

Citing threats from militants, a police officer cannot from their duty: J&K High Court

"A police official who does not join duty just because threat from the militants cannot be expected to protect the life and property of the citizens of the country," the judge stated.

The discharge of a police constable from service was recently affirmed by the High Court of Jammu and Kashmir and Ladakh, which noted that the increase in militant threats was the main justification given for his unapproved leave of absence [**Mehraj-ud-Din Khan vs UT of J&K and Others**].

A division bench consisting of Chief Justice Arun Palli and Justice Rajnesh Oswal noted that it is unrealistic to expect a police officer who refuses to report for duty due to threats from extremists to safeguard the lives and property of the nation's inhabitants.

"A member of the police force is not expected to flee from his duties simply because his life is in danger. A police official who does not report for duty because of a threat from militants cannot be expected to protect the lives and property of the nation's citizens." In its ruling on September 4, 2025, the Bench noted that the petitioner's actions were inappropriate for a police officer.

It is not expected of a police officer to flee from his work simply because his life is in danger.
Court of Jammu and Kashmir

Mehraj-ud-Din Khan, who had enlisted in the police force in 1987 and had taken earned leave in June 1990, at the height of militancy in Kashmir, was pleading with the court.

He was repeatedly reminded and given notice to return by August 15, 1990, but he never did. He was subsequently discharged on May 6, 1991.

Khan filed a representation against his removal from service in 2009, over twenty years later. He said he was unable to return to duty because of extremist threats. After his plea was denied, he sought remedy from the High Court.

The Court ordered the authorities to give him a personal hearing and review his case in 2016. In 2017, his representation was denied once more.

He later sought relief from the High Court when his plea was denied by the Central Administrative Tribunal (CAT), Srinagar Bench, in March 2025.

The High Court pointed out that Khan had only been a police officer for three years before continuing to avoid his duties in spite of many warnings and notices telling him to return. Additionally, his service record showed prior incidents of absence and indiscipline.

Although Khan was given a fair chance to be heard, the Court determined that there were no procedural errors in the dismissal judgment. Khan was unable to provide any convincing arguments for restoration.

It then rejected his plea as having no merit.