

Sr. No. 71

Suppl. List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CCP(S) No. 541/2022

CM No. 7670/2024

Manzoor Ahmad Lone

...Petitioner (s)

Through: Mr. S.R. Hussain, Adv.

Vs

Ashok Kumar Parmar and Ors.

...Respondent(s)

Through: Mr. Jahangir Ahmad Dar, GA.

CORAM:

HON'BLE MR JUSTICE RAHUL BHARTI, JUDGE

ORDER
09.09.2025

01. Writ petition WP(C) No. 2457/2021 was preferred by the petitioner whereby the petitioner sought writ of mandamus for seeking recovery of admitted liability amount of Rs. 40.00 lacs for the contractual work purportedly done/carried out by him which came to be disposed of by the writ court though without adjudication on merits in terms of an order dated **21st**

July, 2022 with the following directions:

“i. That the petitioner shall submit his claims complete in all respects to respondents along with all supporting documents as may be required with regard to the payment that is still outstanding and payable by the respondents within a period of two weeks.

ii. The respondents, in particular, the Executive Engineer, Irrigation Division Shopian, shall verify the

claims submitted by the petitioner reference to the official record available in his division/sub-divisions under him and determine the balance amount, if any, payable to the petitioner within a period of four weeks.

iii. That in case the petitioner is found entitled to any balance amount on account of execution of works details whereof is given in Para (5) of the writ petition shall be released along with the interest payable at the rate of 6% within a period of four weeks thereafter.”

03. The writ respondents in the said writ petition were as under:

1. Union Territory of Jammu and Kashmir through Chief Secretary, Civil Secretariat Srinagar/Jammu.
2. Commissioner Secretary to Government, Irrigation and Flood Control (I&FC) Department, Civil Secretariat Jammu/Srinagar.
3. Chief Engineer, Irrigation and Flood Control (I&FC) Department, Srinagar Kashmir J&K.
4. Executive Engineer, Irrigation Division Shopian, Kashmir J&K.
5. Assistant Executive Engineer, Sub-Division Shopian, Kashmir, J&K.
6. Superintending Engineer, HYD/Circle Shopian, Kashmir J&K.

04. The needful exercise was to be done by the Executive Engineer, Irrigation Division, Shopian verifying the claim submitted by the petitioner and then determining the balance amount, if any, payable to the petitioner within a period of four weeks.

05. Outcome of the order dated **21st July, 2022** passed by the writ court led to constitution of a

Departmental Committee for verification of documents.

06. In terms of a deliberation dated 24th September, 2022, five member committee headed by the Executive Engineer, Irrigation Division, Shopian came to admit that the works have been done generating the liability and for that competent authorities to be approached by the DDO for making arrangement of funds under respective/appropriate heads/projects under which the works were executed.

07. Thus, there is no escape from the fact that the petitioner has been held to have a live claim for admitted liability amount of Rs. 40.00 lacs.

08. This Court came to dismiss the compliance report dated **14th March, 2025** by an order dated **18th March, 2025** by an express observation that it is none of the concern of the court to examine the *inter se* liability/responsibility of the writ respondents as to who is to act and pay.

09. A last and final opportunity in the interest of justice came to be granted to file fresh compliance report and that meant release of amount in favour of

the petitioner after having admitted and acknowledged that the Department was having subsisting liability on its head.

10. This court is not finding any headway from the end of contemnors towards letter and spirit compliance of the writ court verdict.

11. Mr. Jahangir Ahmad Dar, learned GA, very fairly submits that today he is handicapped in terms of instruction and he would have the Executive Engineer, Irrigation Division, Shopian and the Senior Law Officer, Jal Shakti Department who would be available to apprise this court about the status of the compliance of the writ court direction.

12. List on **11th September, 2025** for appearance of said two officials.

13. Copy of order be given under Bench Secretary signature to Mr. Jahangir Ahmad Dar, Government Advocate.

(RAHUL BHARTI)
JUDGE

SRINAGAR

09.09.2025

"Shamim Dar"