

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 295/2025
CM No. 589/2025

**Aashish Chaudhary, aged 37 years,
S/O Shri Ashok Gupta,
R/o 4 Manda Hills, Jammu.**

.....Petitioner(s)

Through: Mr. Ankush Manhas, Advocate.

Vs.

**1. UT of J&K Th. Commissioner/Secretary,
PWD(R&B), Civil Secretariat, Jammu;**

..... Respondent(s)

2. Chief Engineer, PWD(R&B) Deptt., Jammu;

**3. Executive Engineer, PWD(R&B), Tawi Bridge
cum Medical College Division, Jammu;**

**4. Principal, Government Medical College,
Jammu;**

**5. District Development Commissioner,
Jammu.**

Through: Mr. Raman Sharma, AAG for R-4.
Ms. Nisha Kangotra, Advocate vice
Mr. Ravinder Gupta, AAG for R-1 to 3.
Ms. Sagira Jaffer, Advocate vice
Mrs. Monika Kohli, Sr. AAG for R-5.

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

**ORDER
10.02.2025**

1. Petitioner through the medium of this petition seeks the following reliefs:-

- a. WRIT OF MANDAMUS: Commanding and directing the respondents to release the admitted amount of ₹ 04.05 lakhs for the execution of Repair and Renovation of spinal ward at level 1st in Government Medical College, Jammu along with interest till the time it is actually paid, for the reasons submitted hereinabove and those to be urged at the time of arguments that the respondents may very kindly be directed to release by the issuance of writ, order or direction;**
- b. Any other writ, order or direction which this Hon'ble Court deems fit and proper in the present set of circumstances.**

2. After arguing for a while, learned counsel for the petitioner submits that the petitioner would feel satisfied in case, this writ petition be treated as representation and respondents are directed to accord consideration to the same within some reasonable time.

3. Heard learned counsel for the petitioner at length and perused the record.

4. Issue notice.

5. Ms. Nisha Kangotra, Assisting counsel to Mr. Ravinder Gupta, AAG waives notice on behalf of respondent Nos. 1 to 3, Mr. Raman Sharma, learned AAG on behalf of respondent No. 4 and Ms. Sagira Jaffer, Assisting counsel to Mrs. Monika Kohli, Sr. AAG on behalf of respondent No. 5. They submit that the respondents have no objection, if the instant writ petition is directed to be treated as representation and same is accorded consideration strictly in accordance with the rules and as per law.

6. With the consent of learned counsel for the parties and keeping in view the facts and circumstances of the case, no fruitful purpose would be served to keep this petition pending and the same is disposed of, at the threshold, with a direction to the respondent Nos. 2 & 5, i.e., Chief Engineer, PWD(R&B) Department, Jammu & District Development Commissioner, Jammu to consider the claim of the petitioner by treating this writ petition as representation and take a decision thereon strictly under rules and as per law and pass

a consideration order within a period of six weeks from the date a certified copy of this order alongwith complete set of writ petition are made available to the said respondents.

7. It is also made clear that while according consideration to the case of the petitioner, the respondents are also directed to give due weightage to the Communication dated 23.03.2019, addressed by the Superintending Engineer, PWD (R&B) Jammu-Kathua Circle, Jammu to the District Development Commissioner, Jammu, a perusal whereof reveals that, the said Superintending Engineer has admitted that the petitioner herein has already executed the work under SDRF and the executing agency are approaching time and again for clearance of work done claims, details of which find mention in the aforesaid Communication to the tune of ₹4.05 lacs. The aforesaid Communication further reveals that the said Superintending Engineer has also requested the District Development Commissioner, Jammu for releasing of the funds to the tune of ₹8.36 lacs, so that the pending liability of the petitioner and others are cleared and the petitioner, however, is claiming only to the tune of ₹4.05 lacs.

8. ***Disposed of***, as above alongwith connected application.

(Wasim Sadiq Nargal)
Judge

JAMMU
10.02.2025
Ram Krishan

<i>Whether the order is speaking?</i>	<i>Yes/No</i>
<i>Whether the order is reportable?</i>	<i>Yes/No</i>