

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

WP(C) No. 3043/2025

Sham Lal

.....Petitioner(s)

Through: Mr. Pankaj Kattal, Advocate.

Vs

UT of J&K & Ors.

.....Respondent(s)

Through:

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(03.11.2025)

01. For the alleged contract work which is said to have been carried out by the petitioner way back in the year 2018 pursuant to three work orders, all dated 11.01.2018 issued by the Block Development Officer as Programme Officer, Akhnoor, the petitioner comes forward with a claim for payment of alleged admitted liability amount of Rs. 1,35,110/-, Rs. 1,33,716/-, Rs. 1,27,645.20/- totaling Rs. 3,96,471.20/-, pleadings in the writ petition that inaction and delay is of more than seven years on the part of the respondents in releasing work payment.

02. The Supreme Court of India in case of **“Union of India and Ors. Vs. M/s Puna Hinda”** has come forward with the scope of article 226 of the Constitution of India in the matter of dealing with

the writ involving purported contractual claim payments as to when a writ court is well-positioned to grant indulgence.

03. The case set up by the petitioner in the present writ petition fails to meet firstly the delay and laches on his own part that for the work done way back in 2018 what made the petitioner to lay in wait in case if the payment for the work done was not coming forth from the end of the respondents till it occurring to the petitioner that now the final time has come for him to wake up from his slumber and institute the writ petition on 30.10.2025.

04. Thus, the delay and inaction which the petitioner is alleging against the respondents is equally pointing back towards him also for which the petitioner was supposed to account for inaction on his part which he has not done in the writ petition except by mundane plea that he kept on making the representations to the respondents for the purpose of generating response from the respondents' end.

05. Even on this count also, the writ petition by the petitioner would fail as stale/repeated representations do not cover up for the delay and laches on the part of the litigant who is supposed to be vigilant more particularly when it is a matter of seeking equity jurisdiction under article 226 of the Constitution of India putting the respondents on notice in the matter would be compounding the complication of facts as the respondents would be put to the task of confirming the state of facts which happened way back in the year 2018 under dispensation of officers then in charge having handled

the alleged allotment of work orders and the execution thereof. In its judgment in case of **C. Jacob Vs. Director of Geology & Mining Indus. Est. & Anr., 2009 AIR SC 264**, the Hon'ble Supreme Court of India has expressly held stale and repeat representations do not explain delay and laches. Division Bench of this Court in the case of **Ch. Mohd. Hussain Vs. UT of J&K & Ors.**" in LPA No. 104/2024 has also applied the said dictum.

06. Even if, the claim of the petitioner is held to be genuine and undisputed, still if the petitioner would have gone for a civil suit for seeking recovery of the amount due with a suit filed in October, 2025 with respect to the claims of the year 2018, the civil suit would have surely suffered dismissal as time barred without any scope for leniency being read into the situation that the petitioner is a senior citizen having invested hard-earned money in carrying the work assignment in contractual obligation towards the respondents.

07. In view of the above, the writ petition is, therefore, **dismissed**, in limine.

(RAHUL BHARTI)
JUDGE

JAMMU
03.11.2025

Shivalee

Whether the order is speaking:	Yes/No
Whether the order is reportable:	Yes/No