

Supplementary List-1
Serial No. 131

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

WP(C) No. 3443/2025

Date of pronouncement : **05.12.2025**
Uploaded on : **20.01.2026**

Bagh Hussain Rathore
.....Petitioner

Through:- Mr. H.R. Qureshi, Advocate

V/s

UT of J&K & Ors.
.....Respondents

Through:- Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
JUDGMENT (ORAL)

01. The petitioner had first come forward with the writ petition WP(C) No. 381/2021 bearing a purported claim that for the works executed by him dating back in the year 2014 pursuant to the sanction granted by the Superintending Engineer, Irrigation and FC Division, Poonch vide **communication No. SEP/Hyd/1719 dated 21.02.2014**. But of all the eight completed works he came to be paid only for three works whereas for the rest of five works remained held-up for which his entitlement to

payment was undisputed and therefore, reckoned his claim to be that of an admitted liability for earning a writ of mandamus.

- 02.** This Court, in terms of an order dated 17.11.2023, came to dispose of said writ petition WP(C) No. 381/2021 with respect to purported claim of petitioner for payment of **Rs. 20.5174 lacs** with a direction to the writ respondents therein who being **the Chief Engineer, Irrigation and Flood Control Department, Jammu ; The Superintending Engineer, Hydraulic Circle, Poonch and the Executive Engineer, Irrigation & Flood Control Division, Poonch** to consider the admitted liability claim of the petitioner subject to verification of bills provided there was no legal impediment in the matter of release of the claim of the petitioner.
- 03.** The requisite exercise was to be done by said three respondents within a period of six weeks from the date of receipt of a certified copy of said order to be made available to them.
- 04.** The direction of the writ Court, in terms of said order dated 17.11.2023, has come to be carried into

compliance at the end of the Superintending Engineer, Hydraulic Circle, Poonch by an **order No. SEP/Hyd/03 of 2025-26 dated 20.05.2025** thereby holding the claim of the petitioner being devoid of merits for the reasons as recited in the said order.

05. When this Court peruses the **order No. SEP/Hyd/03 of 2025-26 dated 20.05.2025** of the Superintending Engineer, Hydraulic Circle, Poonch, this Court finds that there is no effort on the part of the Superintending Engineer, Hydraulic Circle, Poonch, to advert himself to the documents on the basis of which the petitioner is staking his claim of having done the work allotted so as to have the claim for earning the admitted liability amount. In this regard, this Court refers to the annexures which are :-

- I. A communication No. IFCP/2359 dated 16.03.2016 issued by the office of the Executive Engineer I&FC Division, Poonch addressed to the Superintending Engineer, Hydraulic Circle, Poonch.**
- II. A communication No. SEP/Hyd/2212 dated 18.03.2016 issued by the office of the Superintending Engineer, Hydraulic Circle,**

Poonch addressed to the Chief Engineer, I&FC Department, Jammu.

III. A communication No. IFCP/1969-70 dated 23.08.2019 issued by the office of the Executive Engineer Irrigation & Flood Control Division, Poonch addressed to the Superintendent Engineer, Hydraulic Circle, Poonch.

IV. A communication No. IFCP/4411 dated 18.01.2020 issued by the office of the Executive Engineer Irrigation & Flood Control Division, Poonch addressed to the Superintendent Engineer, Hydraulic Circle, Poonch.

V. A communication No. SSEP/Hyd/2207 dated 20.01.2020 issued by the office of the Superintending Engineer Hydraulic Circle, Poonch addressed to the Chief Engineer, I&FC Department, Jammu.

VI. A communication No. ISDP/94 dated 08.03.2021 issued by the office of the Assistant Executive Engineer Irrigation Sub-Division, Poonch addressed to the Executive Engineer, I&F.C. Division, Poonch.

VII. List of works issued by the Assistant Executive Engineer, Irrigation Sub-Division, Poonch.

06. Interestingly, it is none else than Superintending Engineer, Hydraulic Circle, Poonch who himself was recommending to the Chief Engineer, Irrigation & Flood Control Department, Jammu for release of funds to the tune of **Rs. 36.03 lacs** for facilitating

payment to none else than the petitioner herein on account of having executed the works during the year 2013-14.

- 07.** In the light of the aforesaid, this Court is inclined to dispose of this writ petition at its very inception stage by setting aside the consideration **order No. SEP/Hyd/03 of 2025-26 dated 20.05.2025** with a direction to the Superintending Engineer, Hydraulic Circle, Poonch to pass fresh consideration order after considering the aforesaid official correspondences by dealing with same and passing the consideration order afresh accordingly, be it in favour or against the petitioner.
- 08.** This Court makes it clear that it has not made any observation/s on the merits of the case for and against the either side leaving it free for the Superintending Engineer, Hydraulic Circle, Poonch to exercise his application of administrative mind on the facts obtaining before him and then to pass consideration order within a period of three months from the date of passing of this order.

09. The petitioner shall also be heard in support of his claim by the Superintending Engineer, Hydraulic Circle, Poonch before passing the final consideration order.

10. This writ petition is accordingly, **disposed of**.

(RAHUL BHARTI)
JUDGE

JAMMU
05.12.2025
SUNIL

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

