

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

**WP (C) No. 867/2025  
CM No. 2254/2025**

**Muneer Hussain Mir**

**... Petitioner(s)**

**Through: -  
Mr Tawheed Ahmad, Advocate.**

**V/s**

**Union Territory of J&K and Ors.**

**... Respondent(s)**

**CORAM:**

**Hon'ble Mr Justice Rahul Bharti, Judge.**

**(ORDER)**

**21.04.2025**

01. Heard learned counsel for the petitioner.
02. This Court is of the view that disposal of the present writ petition can take place at the very inception stage for the reasons which are following herein next.
03. In terms of a tender notice E-NIT No. 30 of 2024-25 dated 5<sup>th</sup> of December, 2024, bids were invited for hiring of a vehicle with driver for a period of one year w.e.f. 1<sup>st</sup> of January, 2025 to 31<sup>st</sup> of December, 2025.
04. In response to the said tender notice, the petitioner's bid is said to have been accepted resulting in issuance of an allotment order No. 157

of 12/2024-25 dated 24<sup>th</sup> of December, 2024 whereby the petitioner was obliged to provide the specified vehicle with driver against which the petitioner was to be paid Rs. 1,370/- (rupees one thousand three hundred and seventy only) per day. The said allotment order was issued by the Executive Engineer, Jal Shakti (PHE) Mechanical Division (South), Awantipora.

05. By purported reference to letter No. MDSA/7857-58 dated 22<sup>nd</sup> of January, 2025 read with letter No. MDSA/8099-8100 dated 3<sup>rd</sup> of February, 2025 from the end of the Executive Engineer, Jal Shakti (PHE) Mechanical Division (South), Awantipora to the Superintending Engineer, Jal Shakti (PHE) Mechanical Circle (South), Srinagar, it is claimed that an authorization came for the Executive Engineer, Jal Shakti (PHE) Mechanical Division (South), Awantipora for enabling the cancellation of the contract vide reference No. JSMCS/TS/3253-54 dated 3<sup>rd</sup> of February, 2024 on the basis of which the Executive Engineer, Jal Shakti (PHE) Mechanical Division (South), Awantipora issued an order No. MDSA/8149-51 dated 5<sup>th</sup> of February, 2025 thereby cancelling the allotment order No. 157 of 12/2024-25 dated 24<sup>th</sup> of December, 2024 issued in favour of the petitioner.

06. The petitioner is aggrieved that the cancellation of the contract of hiring of his vehicle having been done without affording any opportunity of hearing to him.

07. A bare perusal of the impugned Order No. MDSA/8149-51 dated 5<sup>th</sup> of February, 2025 passed by the Executive Engineer, Jal Shakti (PHE) Mechanical Division (South), Awantipora would show that it does not spell out the reasons on the basis of which the cancellation of the contract/ allotment order No. 157 of 12/2024-25 dated 24<sup>th</sup> of December, 2024 came to take place and also same does not exhibit that before issuance of cancellation order No. MDSA/8149-51 dated 5<sup>th</sup> of February, 2025, the petitioner was put to any notice to show cause.

08. In the light of the aforesaid scenario, administrative action on the part of the Executive Engineer, Jal Shakti (PHE) Mechanical Division (South), Awantipora is violative of rules of natural justice and, therefore, warrants an indulgence from this Court to the extent that the Executive Engineer, Jal Shakti (PHE) Mechanical Division (South), Awantipora shall extend an opportunity of hearing to the petitioner to show cause against the cancellation of the contract whereupon the Executive Engineer, Jal Shakti (PHE) Mechanical Division (South), Awantipora to take a decision afresh bearing reasons.

09. This Court is cognizant of the situation that while the purported cancellation of the allotment order issued in favour of the petitioner came to take place on 5<sup>th</sup> of February, 2025, the petitioner has come forward with the present writ petition on 18<sup>th</sup> of April, 2025 meaning thereby that the petitioner delayed the institution of the writ

petition at his own risk and cost by which time the effect of cancellation of allotment order had come to take place.

10. Therefore, the impugned order No. MDSA/8149-51 dated 5<sup>th</sup> of February, 2025 passed by the Executive Engineer, Jal Shakti (PHE) Mechanical Division (South), Awantipora shall stay in abeyance from the date the certified copy of this order comes to be served by the petitioner upon the Executive Engineer, Jal Shakti (PHE) Mechanical Division (South), Awantipora to last for a period of next one month within which the Executive Engineer, Jal Shakti (PHE) Mechanical Division (South), Awantipora is supposed to take a decision afresh by affording an opportunity of hearing to the petitioner.

11. Accordingly, this writ petition is disposed of with a direction to the Executive Engineer, Jal Shakti (PHE) Mechanical Division (South), Awantipora to do the needful within a period of thirty (30) days from the date of supplying of certified copy of this order by the petitioner to the office of Executive Engineer, Jal Shakti (PHE) Mechanical Division (South), Awantipora.

12. Upon passing of fresh order within the time given, the Executive Engineer, Jal Shakti (PHE) Mechanical Division (South), Awantipora shall also apprise the Superintending Engineer, Jal Shakti (PHE) Mechanical Circle (South), Srinagar about the passing of the order.

13. Writ petition is, thus, **disposed** of on the above terms along with the connected CM.

**(Rahul Bharti)**  
**Judge**

**SRINAGAR:**

*21.04.2025*

*TAHIR*

