

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

WP(C) No. 2664/2025
CM No. 7053/2025

MOHAMMAD AYUB RATHER AGE 48 YEARS ...Petitioner(s)/Appellant(s)
S/O NOOR MOHAMMAD RATHER
R/O NEW THEED HARWAN SRINAGAR

Through: Mr. Rafiq Bhat, Advocate

Vs.

1. UNION TERRITORY OF JAMMU AND KASHMIR THROUGH COMMISSIONER/SECRETARY TO GOVT. PUBLIC WORKS DEPARTMENT, CIVIL SECRETARIAT SRINGAAR/JAMMU ...Respondent(s)
2. CHIEF ENGINEER PUBLIC WORKS DEPARTMENT (P.W.D) SRINAGAR KASHMIR.
3. EXECUTIVE ENGINEER PUBLIC WORKS DEPARTMETN (R&B) DIVISION SUMBAL BANDIPORA.
4. ASSISTANT EXECUTIVE ENGINEER PUBLIC WORKS DEPARMTNET SUB-DIVISION SUBMAL BANDIPORA
5. SUPERINTENDING ENGINEER PUBLIC WORKS DEPARTMENT (ROADS & BUILDINGN) CIRCLE GANDERBAL/BANDIPORA
- 6.

Through: Mr. Alla Ud Din Ganai, AAG

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

ORDER
29-10-2025

1. By the medium of the present writ petition, filed under Article 226 of the Constitution of India, the petitioner has sought the following reliefs:
 - i. Writ of Mandamus commanding the respondents to release and pay to the petitioner an amount of Rs 58,31,072/- being the due amount against the work allotted, executed and

completed by him pursuant to the authority/allotment mentioned against the said work.

- ii. Writ of Mandamus directing the respondents to pay interest at the prevailing bank rate on the aforesaid amount from the date it became due, i.e., the date of the bill.
- iii. Writ of Mandamus directing the respondents to pay Rs. 3,00,000/- to the petitioner as compensation for the loss suffered on account of undue withholding of the due amount, which the petitioner could have otherwise invested in his business to earn profits, and also for the mental agony and loss of goodwill/reputation caused amongst the public and banking institutions due to non-payment of the legitimate dues, besides litigation expenses.

2. Learned counsel for the petitioner has drawn the attention of this Court to the bills annexed with the petition, which stand verified by the Assistant Executive Engineer, PWD (R&B) Division Sumbal, Bandipora. As per such verification, an amount of Rs. 58,31,072/- Lacs after deductions is payable to the petitioner. Learned counsel further submits that despite the admitted liability, the amount has not been released in favour of the petitioner, who had executed the work relating to construction of additional accommodation for various Government offices at Hajin, Sumbal, Bandipora, allotted to him vide order dated 09.10.2019. It is further submitted that the petitioner completed the work well within time, the final bills were duly passed and verified by the respondents, yet the payment was withheld despite several representations made to the concerned departmental authorities.
3. Learned counsel for the petitioner has relied upon the judgment of this Court rendered in WP(C) No. 2472/2022, titled ***M/s Sain Soldier Engineer and Contractor Pvt. Ltd. through its Director vs. Union Territory of J&K through Commissioner/Secretary to Govt. PWD***

(R&B) Department, Jammu & Ors., decided on 26.09.2025 at Jammu Wing, and submits that the case of the petitioner is squarely covered by the said judgment. It is, accordingly, prayed that the instant petition be disposed of with a direction to the respondents to consider the case of the petitioner in the light of the judgment (supra).

4. Mr. Alla Ud Din, learned AAG, on being put to notice, enters appearance on behalf of the respondents. He submits that he is not averse to the disposal of the petition in the manner proposed by learned counsel for the petitioner.
5. In view of the consensus arrived at between the learned counsel for the parties, the present petition is taken up for final disposal at this stage. Accordingly, the petition stands disposed of with a direction to respondents 2 to 4 to consider the case of the petitioner in light of the judgment rendered by this Court in *WP(C) No. 2472/2022*, decided on 26.09.2025 (Jammu Wing), if the same is found applicable to the facts and circumstances of the present case, within a period of four weeks from the date a copy of this order is made available to them. While according such consideration, the respondents shall also take into account the verified bills annexed with the petition, which indicate that an amount of Rs. 58,31,072/- (Rupees Fifty-Eight Lakh Thirty-One Thousand and Seventy-Two only), after deductions, is payable to the petitioner. It is made clear that in the event the admitted liability amount is not released in favour of the petitioner within the time granted by this Court, the petitioner shall be entitled to interest at the rate of 6% per annum from the date the said amount became payable

and was withheld by the respondents. The interest component shall be recoverable from the officer(s) responsible for the delay in its release.

6. The writ petition is, accordingly, disposed of in the above terms.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
29-10-2025
Mubashir

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

