

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
OWP 1785/2018

GHULAM RASOOL WANI

...Petitioner(s)/appellant(s)

Through: Mr. Umar Rashid Wani, Advocate

Vs.

STATE OF JK AND OTHERS

...Respondent(s)

Through: None

CORAM:

HON'BLE MR JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

08.09.2025

1. The reply in the matter stands already filed by the respondents 3 to 5. The rest of the respondents did not choose to file their reply till their right to do so came to be closed by order dated 13.08.2025.
2. The case of the petitioner, in nutshell, is that he is a contractor and has executed work of construction of a Foot Bridge at Hayan Palpora, Kangan, District Ganderbal, on the instructions of the respondents against an estimated cost of Rs. 10.73 lacs in the year 2013-14 under the National Calamity Relief Fund (NCRF). That allotted work was completed in time by him, which also got verified on spot by various officers. That after the execution of the work, he moved from pillar to post seeking release of the work done payment and till date nothing has been paid by the respondents on account of the execution of the said work. That unfortunately, the respondents are instead making communications inter-se, whereunder they on one hand acknowledge execution of work by him but, on the other hand, are denying the payment on the pretext that under SDRF norms, the process of work and release of payment needs to be completed in 45 days. That his payment

has been delayed also on the ground that the Additional Deputy Commissioner, Ganderbal, is of the opinion that SDRF norms do not say anything regarding release of payment in respect of completed and verified works at a belated stage.

3. The petitioner has accordingly prayed for issuance of direction/writ in the nature of mandamus for commanding the respondents to release the work done payment amounting to Rs. 10.73 lacs along with the interest in his favour.
4. The respondents 3 to 5 have submitted their replies twice, i.e. on 18.03.2023 and 20.12.2024. The respondents have not disputed the execution of the work by the petitioner. That, however, they contend that SDRF norms do not say anything regarding release of payment in respect of completed and verified works at a belated stage.
5. In their subsequent reply dated 20.12.2024 also, the respondents have not disputed the execution of the work by the petitioner but have inter alia averred at paras 4 and 5 that the case of the petitioner was considered afresh in their office through the designated Committee constituted in pursuance to Government Order No. 53-DMRRR of 2018 dated 17.09.2018, issued by the Department of Disaster Management, Relief, Rehabilitation & Reconstruction, Jammu & Kashmir, which met on 28.10.2024, and after threadbare discussions, the Committee has unanimously recommended rejection of the case under SDRF norms as the work in question has been established as permanent in nature.
6. The copies of the documents enclosed with the petition as Annexures A to E, comprising inter-se communications between the respondents and also the reply to the petitioner's legal notice, clearly demonstrate the

execution of the work on spot by the petitioner at the relevant time in the year 2013-14.

7. I have heard the learned counsel for the petitioner and considered his submissions.
8. In the facts and circumstances of the case, this Court is of the opinion that the matter can be disposed of even at this stage by passing of appropriate orders under law, which are not likely to prejudice the interests of any of the parties. The subject work i.e. construction of Foot Bridge at Hayan Palpora, Kangan, is admitted even on the part of respondents to have been executed/completed under part A to part D during 2013-14 under the instructions of the BDO Kangan against an estimated cost of Rs. 10.73 lacs. The date of completion is admitted as 18.10.2013, and the subject work has been undertaken under the NCRF scheme.
9. It is not the case of the respondents that the subject bridge was not constructed by the petitioner within the stipulated period of time. After the execution of the work during 2013-14, the payment against the said work could not be made by the respondents. The petitioner, as such, moved from pillar to post requesting the respondents for release of the amount against the allotted work duly executed by him.
10. While the petitioner was yet to receive his due amount against the executed work, the subject bridge got damaged due to flash floods and was also restored for use, which fact is borne out from the perusal of the official records of the respondents.
11. The work, which was already executed and completed in the year 2013-14 under the NCRF scheme, the due payment against the same despite being delayed by the respondents during a long time cannot be refused at

all on the basis of a technical issue i.e. subsequent restoration of the same post damage thereof during flash floods, under the SDRF scheme.

12.The respondents are bound under law to make payment against the construction of the subject bridge. Denial of payment against a work acknowledged by the respondents/State amounts to the violation of the fundamental rights of the petitioner, being patently unreasonable, arbitrary, unethical and unjust. The respondents have not attributed any fault on the part of the petitioner in the execution of the work. The payment against a verified work, which has suffered undue delay on the part of the respondents, cannot be denied subsequently on the basis of any technicality.

13.The petitioner is supposed to have been badly suffering on account of the withheld due payment.

14.The instant petition is accordingly disposed of at this stage with the direction to the respondents to immediately initiate the process regarding the payment of admitted liability to the tune of Rs. 10.73 lacs on account of the construction of Foot Bridge at Hayan Palpora, Kangan, completed by the petitioner on 18.10.2013, and ensure payment of the same to petitioner within a period of eight weeks from the date a copy of this order is delivered at the office of respondent No. 3, failing which the amount shall carry the interest @ 15% p.a. from that date.

15.Disposed of.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
08.09.2025
ARIF