

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

WP(C) 887/2023 CM(1658/2024) CM(2091/2023)

NISAR AHMAD DAR

...Appellant/Petitioner(s)

Through: Ms. Nighat Amin, Adv.

Vs.

UNION TERRITORY OF J&K AND OTHERS.

...Respondent(s)

Through: Ms. Rahila, Adv. vice
Mr. A. R. Malik, Sr. AAG

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

30.05.2025

1. The record reveals that inspite of availing last and final opportunity vide order dated 24.03.2025, the response has not been filed on behalf of respondent No. 4 i.e., Executive Engineer, PWD (R&B) Ganderbal and since the response was not filed, he was directed to remain present through virtual mode on the date fixed. When the matter was taken up by this court thereafter on 05.05.2025, three days further time as sought by the learned counsel appearing on behalf of the respondents was granted to comply the order dated 24.03.2025, failing which the said respondent was directed to appear before this court through virtual mode. Again, the aforesaid direction was not complied with and today when the instant petition was taken up, the concerned Executive Engineer PWD (R&B) Ganderbal-Respondent No. 4 namely Mr. Hamid Iqbal is present in person and seeks further two weeks time to release the admitted liability in favour of the petitioner.
2. At this stage, learned counsel appearing on behalf of the petitioner has drawn the attention of this court to the documents which have been placed on record along with the application preferred by the petitioner. A perusal whereof reveals that the respondents have admitted the liability of the petitioner to the tune of Rs. 104.75.000/- and inspite of the claim of the petitioner, same has not been released as on date,

inspite of the fact that the petitioner has fulfilled all the requisite formalities as envisaged under law.

3. Confronted with the same, learned counsel appearing on behalf of the respondents, and also the Executive Engineer, PWD (R&B) Ganderbal who is present in person through virtual mode seeks two weeks time to come up with the final compliance with regard to the release of the admitted liability which the respondents have to pay as on date.
4. Reluctantly and in the interest of justice, time is extended by one week to come up with the final compliance of the order passed by this court dated 17.04.2023 by filing the detailed compliance report, failing which this court will be constrained to initiate coercive measures against the Executive Engineer, PWD (R&B) Ganderbal-respondent No. 4 who is present through virtual mode and also the concerned Chief Engineer PWD (R&B) Kashmir Srinagar under whose presence the petitioner was performing his duties.
5. It is made clear that in case the aforesaid order is not complied on or before the next date of hearing, then respondents 2 to 4 shall appear in person on the next date of hearing.
6. List on 5th August, 2025.
7. In the meantime, personal presence of the Executive Engineer, PWD (R&B) Ganderbal is dispensed with for the time being, however, he shall remain present on the next date only in the eventuality, the order is not complied. Registry is directed to convey this order to the Chief Engineer PWD (R&B) Kashmir Srinagar and Executive Engineer, PWD (R&B) Ganderbal as well.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR
30.05.2025
Sakeena