

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

WP (C) No. 750/2025

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| <ol style="list-style-type: none"> 1. Union of India through its Secretary to Government of India, Ministry of Defence, South Block, New Delhi-110011. 2. Additional Director General Personnel Services, Adjutant General's Branch, Integrated HQ of Ministry of Defence (army), DHQ PO, New Delhi-110001. 3. OIC Records, Sikh Regt. Records, PIN-908762, C/o 56 APO. 4. Principal Controller of Defence Accounts (Pensions), Draupadi Ghat, Allahabad, Uttar Pradesh-211014 | <p>.....Applicant(s)/Petitioner(s)</p> |
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Through :- Mr. Vikas Sharma, CGSC

v/s

No. JC-498438X Ex. Sub. Surjit Singh, S/o Dharam Singh, R/o Village: New Diwargarh, Post Office: Chakrohi, District: Jammu, (J&K).

.....Respondent(s)

Through :- Mr. Amit Singh, Advocate

सत्यमेव जयते

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER(ORAL)

17.09.2025

Sanjeev Kumar J

1. Impugned in this petition, filed by the Union of India under Article 226 of the Constitution of India, is an order and judgment dated 07.01.2019 passed by the Armed Forces Tribunal, Regional Bench, Srinagar at Jammu [**“the Tribunal”**] in OA No. 690 of 2018 titled “JC-498438X Ex. Sub. Surjit Singh vs. UOI and Ors.” to the extent it does not provide for restricting the payment of arrears to three years immediately preceding the filing of OA (supra).

2. The impugned judgment is challenged on the ground that the Tribunal has not appreciated the fact that the respondent had approached the Tribunal after about two decades of the accrual of cause of action and, therefore, could not have been held entitled to the arrears for the entire period.
3. *Per contra*, learned counsel appearing for the respondent would submit that this petition is hit by delay and laches as the petitioner have approached this Court after six and a half years after the passing of the judgment impugned. Reliance is placed by the learned counsel for the respondent on a Division Bench judgment of this Court dated 15.07.2025 passed in WP (C) No. 1804/2025, in which, under a similar set of circumstances, this Court has declined to interfere with the judgment passed in the OA on the ground of inordinate delay and laches.
4. Having heard learned counsel for the parties and perused the judgment impugned, we are of the considered opinion that this petition is hit by delay and laches.
5. Indisputably, the judgment in OA No. 690 of 2018, which is impugned in this petition was pronounced on 07.01.2019 and the same unequivocally held the respondent entitled to arrears, without imposing any restriction of time, to be paid by the petitioners, within a stipulated period.
6. The judgment made it abundantly clear that the benefit of rounding off with the benefit of arrears would be available to the respondent with effect from 01.06.2006. The judgment was all along in the notice of the petitioners. The execution petition filed by the

respondent before the Tribunal in the year 2019 is being contested by the petitioners and has been even partially implemented. In these circumstances, the petitioners cannot plead ignorance of the judgment or its import on any ground whatsoever.

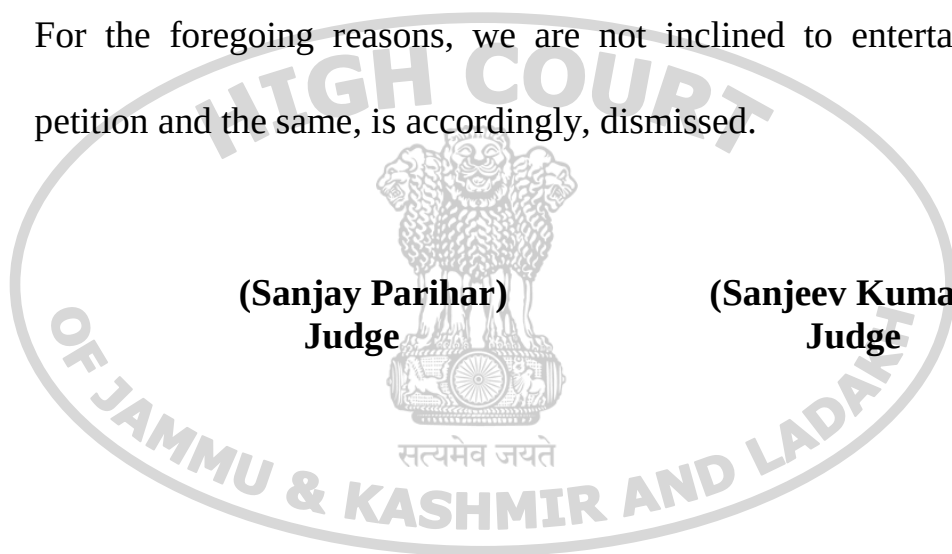
7. We have gone through the memorandum of writ petition and the annexures appended thereto and do not find any good explanation coming forth to explain the delay of more than six years in approaching this Court. Relying upon the judgment passed by a Division Bench of this Court (supra), we are of the considered view that this petition, too, is hit by inordinate delay and laches and, therefore, cannot be entertained.

8. For the foregoing reasons, we are not inclined to entertain this petition and the same, is accordingly, dismissed.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
17.09.2025
Manik



Whether this order is speaking: yes/no

Whether this order is reportable: yes/no