

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

Case No: WP(C) No. 1740/2025

*Reserved on: 17.12.2025
Pronounced on: 24.12.2025
Uploaded on: 24.12.2025*

*Whether the operative part or full
Judgment is pronounced : **Full***

Union of India and others .

...Petitioner(s)/Appellant(s)

Through: Mr. Vikas Sharma, Advocate.

v/s

Dev Raj

....Respondent(s)...

Through: Mr. Amit Singh, Advocate with
Mr. S.K.Saini, Advocate.

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

JUDGMENT

PER OSWAL-J

1. The petitioners, through the medium of the present writ petition filed in the year 2025, have assailed the order dated 29.11.2018 passed by the Armed Forces Tribunal, Srinagar Bench at Jammu (hereinafter referred to as "the AFT") in Original Application No. 570/2018, titled "*Dev Raj Vs. Union of India and others*", whereby the respondent-

applicant has been held entitled to the benefit of rounding off his disability by computing it at 50% instead of 30% with effect from 01.09.1996, and the order dated 31.07.2018 passed by the petitioners has been set aside.

2. By way of the present petition, the petitioners seek the quashing of the order dated 29.11.2018. It is submitted that the learned AFT erred in law by failing to consider the judgment of the Hon'ble Supreme Court of India passed in case titled *Union of India Vs. Tarsem Singh*, Civil Appeal Nos.5151-5152 of 2008, wherein the issue relating to the period for which the arrears are payable to the respondent-applicant stands settled. It is further contended on behalf of the petitioners that the learned AFT did not appreciate the material fact that the respondent-applicant had approached the learned AFT seeking the benefit of rounding off of his disability pension after an inordinate delay of 22 years.
3. Learned counsel for the respondent-applicant has raised a preliminary objection regarding the entertainability of this petition, citing a delay of nearly seven years in challenging the impugned order. In support of this contention, he has placed reliance upon the order dated 28.07.2025 passed by a Division Bench of this Court in **WP(C) No. 2003/2025**, wherein a similar petition was dismissed on the sole ground of a seven-year delay.
4. Learned counsel for the petitioners has submitted that the impugned order dated 29.11.2018 is not sustainable in the eyes of law, in view of the fact that the benefit of rounding off of disability element could

only have been granted retrospectively for a period of three years from the date of filing of the Original Application, and not beyond.

5. Heard learned counsel appearing for the parties and perused the record.
6. It is a settled principle that the discretionary jurisdiction under Article 226 should not be extended to a litigant who is guilty of delay and laches. While the Constitution does not prescribe a formal limitation period, the failure to satisfactorily explain a significant lapse of time justifies the dismissal of the petition, as equity does not aid those who sleep over their rights. In a recent judgment, the Hon'ble Supreme Court of India in **Mrinmoy Maity v. Chhanda Koley &Ors.**, reported as **2024 INSC 314**, reaffirmed the settled position of law that 'delay and laches' are relevant factors which must be borne in mind by a writ Court while exercising its discretionary jurisdiction under Article 226 of the Constitution of India. The Bench observed that a litigant who sleeps over his rights and approaches the Court after a considerable delay is not entitled to the grant of an extraordinary remedy under writ jurisdiction. The Court further held that, in such circumstances, the writ petition itself is liable to be dismissed on the ground of delay and laches.
7. After having examined the writ petition, we hardly find any cause projected by the petitioners in approaching the Court for exercise of its discretion through the medium of this petition justifying an inordinate delay of nearly seven years, therefore, we are of the considered view that this petition is hit by the doctrine of delay and laches and, cannot be entertained.

8. For the foregoing reasons, we are not inclined to entertain the present petition and, accordingly, the same is **dismissed** along with connected CM(s), if any.

(Rajnish Oswal)
Judge

(Arun Palli)
Chief Justice

Jammu
24.12.2025
Madan Verma-Secy

Whether order is speaking? **Yes.**
Whether order is reportable? **No.**

