

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

WP(C) No. 1876/2024  
CM No. 4569/2024

Union of India and ors.

.....Applicant(s)/Petitioner(s)

Through :- Mr. Vishal Sharma, DSGI

v/s

Rajinder Singh

.....Respondent(s)

Through :- Mr. B. S. Sarmal, Advocate with  
Mr. Amit Singh, Advocate

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

**ORDER (ORAL)**

**26.08.2025**

1. In this petition filed by the Union of India under Article 226 of the Constitution of India, an order and judgment dated 25.03.2019 passed by the Armed Forces Tribunal original Bench Srinagar at Jammu [**“the Tribunal”**] in OA No. 109 of 2019, titled, '*Rajinder Singh vs. Union of India & Ors.*', is under challenge.
2. The impugned judgment is assailed by the petitioners after more than five years on the ground that the Tribunal has failed to appreciate that in view of the law laid down by the Supreme Court in case titled, '*Union of India vs. Tarsem Singh*' 2008(8) SCC 648, the arrears payable to the respondent should have been restricted to three years prior to proceeding the filing of OA before the Tribunal.
3. *Per contra*, learned counsel appearing for the respondent would submit that this petition is hit by delay and laches as the petitioners have approached this Court after more than five years of the passing of the judgment impugned. The reliance was placed by the learned

counsel for the respondent on the Division Bench judgment of this Court dated 15.07.2025 passed in WP(C) No. 1804/2025 in which under similar set of circumstances, this Court has declined to interfere with the judgment passed in 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 clearly hit by delay and laches.
5. Indisputably, the judgment in OA No. 109/2019 was passed on 25.03.2019, the judgment was all along in the notice of the petitioners. The contempt petition filed by the respondent before the Tribunal in the year 2020 is also being contested by the petitioners. That being the position, the petitioners cannot plead ignorance of the judgment or its import on any ground whatsoever.
6. That the argument of Mr. Vishal Sharma, learned DSGI that the judgment challenged in this petition after five years was partially implemented and the arrears were paid w.e.f. 01.01.2016 and therefore, there is hardly any delay in approaching this Court in filing this petition is a plea without any substance and noticed only for rejection.
7. We have gone through the memorandum of the petition in its entirety and do not find any good explanation put forth by the petitioners to explain the delay of more than five years relying upon the earlier Division Bench judgment of this Court.
8. We are of the considered view that this petition too hit by inordinate delay and laches, therefore, cannot be entertained. For the foregoing

reasons, we are not inclined to entertain this petition and the same is, accordingly, **dismissed** along with connected applications. We, however, make it clear that dismissal of this petition on the ground of inordinate delay and laches shall not prejudice the stand of the petitioners before the Tribunal in any manner.

(Sanjay Parihar)  
Judge

(Sanjeev Kumar)  
Judge

JAMMU  
26.08.2025  
*Neha-II*

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

