

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 1293/2026
CM No. 2827/2026

Union of India & ors.

.... Petitioner/Appellant(s)

Through:- Mr. Vishal Sharma, DSGI with
Mr. Eishaan Dadhichi, CGSC

V/s

Gurmeet Singh S/o Gurbachan
Singh R/o VPO Chak Salaria,
Samba

.....Respondent(s)

Through:- Mr. Amit Singh, Advocate

CORAM : HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE
HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

ORDER
11.05.2026

01. The petitioners by way of this writ petition have challenged the order dated 26.08.2021 passed by the learned Armed Forces Tribunal, Regional Bench Srinagar, at Jammu, in OA No. 234/2020 titled *Gurmeet Singh vs. Union of India & ors.*

02. The respondent was enrolled in the Army on 22.09.1984 and was discharged after completion of one year, two months & fourteen days of service on 05.12.1985. At the time of discharge, the respondent was placed in a low medical category and his disability was assessed at 20%, and the claim of the respondent for disability pension was rejected.

03. The respondent filed OA No. 234/2020 before the learned Armed Forces Tribunal, Regional Bench Srinagar at Jammu, seeking disability pension consisting of service element and disability element w.e.f.

06.12.1985 for life, along with benefits of rounding off the same to 50% for the purpose of computing the disability element along with 18% annual interest. This OA was disposed of by the Tribunal vide order dated 26.08.2021 by directing the petitioners to hold Re-Survey Medical Board (RSMB) of the respondent within three months of the order and if the respondent found to be entitled to the disability element of the disability pension, the case for same be processed.

04. Learned counsel for the respondent submits that the petitioners have also held the RSMB in the year 2022 itself and the applicant's disability has been assessed. The petitioners have preferred this writ petition against the order dated 26.08.2021 as an afterthought after a huge delay of more than four years.

05. The writ Court before entertaining a petition under Article 226 of the Constitution and exercising its discretionary jurisdiction has to consider delay and laches in filing the writ petition. The negligence or omission on the part of the litigant to assert his right may result in the Court refusing to exercise its extraordinary powers.

06. It is well settled that the parties must pursue their rights diligently and not sleep over them. If they choose not to pursue their rights for a long time, the Court may decline to interfere in the exercise of its discretionary jurisdiction under Article 226 of the Constitution.

07. In **Karnataka Power Corporation Ltd. v. K. Thangappan and another**, AIR 2006 SC 1581, the Hon'ble Supreme Court, at paragraph 6, has held as under: -

6. *Delay or laches is one of the factors which is to be borne in mind by the High Court when they exercise their discretionary powers under Article 226 of the Constitution. In an appropriate case the High Court may refuse to invoke its extraordinary powers if there is such negligence or omission on the part of the applicant to assert his right as taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party.*

7. This view has also been expressed in **Shiv Dass v. Union of India and others**, reported as **(2007) 9 SCC 274**, in which, it has been held that in case of belated approach, the writ petition is to be dismissed. Delay or laches is one of the factors to be borne in mind while exercising discretionary relief. In case of omission or negligence, the High Court may refuse to exercise its extraordinary powers.

8. The writ petition has been filed after an inordinate delay of more than four years and eight months, and there is no explanation, much less a plausible explanation, to condone the said delay. There is clear inordinate delay and laches on the part of the petitioners in invoking the jurisdiction under Article 226 of the Constitution.

9. Keeping in view the aforesaid facts and the law laid down in the judgments referred above, no case for warranting interference is made out. This petition is, accordingly, **dismissed** on the ground of delay and laches.

(SHAHZAD AZEEM)
Judge

(SINDHU SHARMA)
Judge

JAMMU
RAM MURTI/PS
11.05.2026