

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 1391/2026

Union of India and others

.... Petitioner/Petitioners(s)

Through:- Mr. Rohan Nanda, CGSC

V/s

Surjit Kaur

.....Respondent(s)

Through:- Mr. P.L. Sharma, Advocate

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

ORDER
03.06.2026

1. The petitioners seek quashing of the order dated 30.04.2019, passed by the Hon'ble Armed Forces Tribunal, Srinagar Bench at Jammu, in T.A. No. 370/2017, titled "Joginder Singh v. Union of India and others", whereby the Tribunal allowed the claim of the applicant for grant of disability pension.
2. The case of the petitioners is that the husband of the respondent was enrolled in the Army on 22.10.1965 and was discharged on 31.10.1987. Thereafter, he got enrolled in the Defence Security Corps (DSC) on 14.08.1989 and served therein till 31.10.2000. At the time of discharge, he was placed in low medical category for the disability "Cataract (LT) Eye (OPTD)". The Release Medical Board assessed the disability at 11-14% for five years and opined that the same was neither attributable to nor aggravated by military service, thus, his claim for disability pension came to be rejected.

3. The husband of the respondent challenged the rejection of his claim by filing OWP No. 156/2014, which stood transferred before the Armed Forces Tribunal and was registered as T.A. No. 370/2017. The Tribunal vide order dated 30.04.2019 allowed the T.A. and directed grant of disability pension @50% as against 20% for five years from the date of discharge after rounding off and the arrears were also directed to be released within three months. The Tribunal also directed holding of Re-survey Medical Board within three months from the date of this order. Thereafter, execution proceedings were also initiated and disposed of vide order dated 10.11.2022.
4. The present writ petition has been filed in the year 2026 seeking to challenge the aforesaid orders passed by the Tribunal.
5. Before entertaining a petition under Article 226 of the Constitution, the writ court has to take note of the fact whether this delay and laches is one of the factors to be considered while exercise of discretionary powers. 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.
6. It is well settled that 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.
7. In **“Karnataka Power Corporation Ltd. v. K. Thangappan and another, AIR 2006 SC 1581”**, the Hon’ble Supreme Court, in 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....”

8. Similar view has also been expressed in “**Shiv Dass v. Union of India and others, (2007) 9 SCC 274**”, in which, it has been held that in case of belated approach, 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.
9. The order sought to be challenged was passed on 30.04.2019. The present petition has been instituted only in the year 2026 and there is no explanation, much less a plausible explanation, for the delay of about seven years. There is clear inordinate delay and laches on the part of the petitioners in invoking the jurisdiction under Article 226 of the Constitution.
10. Keeping in view the aforesaid principles of law, no case for warranting interference is made out.
11. This petition is, accordingly, **dismissed** on the ground of delay and laches.

(Shahzad Azeem)
Judge

(Sindhu Sharma)
Judge

Jammu:
03.06.2026
Vishal Khajuria