

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 1932/2026
CM No. 4235/2026

Union of India and others

.... Petitioner/Appellant(s)

Through:- Mr. Vikas Sharma, Sr. Panel Counsel

V/s

Subhash Chander

.....Respondent(s)

Through:-

CORAM: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE
HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

ORDER

04.07.2026

1. The present petition has been filed by the petitioners seeking quashing of the order dated 07.09.2022, passed by the Hon'ble Armed Forces Tribunal, Srinagar Bench at Jammu, in T.A No. 209/2017 titled "*Subash Chander v. Union of India and others*".
2. The respondent was enrolled in the Army on 28.10.1980 as a Sepoy and was discharged after completion of 16 years, 02 months and 04 days of service on 31.12.1996. At the time of discharge, the respondent was placed in a low medical category and his disability was assessed at 20%, for which he was granted disability pension at the rate of 20%.
3. The respondent filed T.A No. 209/2017 before the Armed Forces Tribunal, Srinagar Bench at Jammu, seeking rounding off of disability benefits w.e.f. 01.01.1997 for life, along with interest. This TA was allowed by the Tribunal vide order dated 07.09.2022. The impugned

judgment and order dated 07.09.2022 has been assailed by the petitioner after a delay of almost four years.

4. This Court, before entertaining a petition under Article 226 of the Constitution, has to take note of delay and laches being one of the factors of its 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.
5. 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.
6. 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. 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.

8. The writ petition has been filed after an inordinate delay of four years, and there is no explanation, much less a plausible explanation, the delay. There is clear inordinate delay and laches on the part of the petitioner in invoking the jurisdiction under Article 226 of the Constitution.
9. Keeping in view the aforesaid principles of law, no case for warranting interference is made out.
10. This petition is accordingly **dismissed** on the ground of delay and laches.

(Rajesh Sekhri)
Judge

(Sindhu Sharma)
Judge

Jammu:
04.07.2026
VISHAL KHAJURIA

