

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.384 of 2026

Date of Decision:- 09.07.2026

Amar Singh

....Appellant

Versus

Union of India and Others

....Respondents

Coram

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice

The Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?¹

For the Appellant : Mr. Rakesh Kumar Dogra,
Advocate.

For the Respondents : Mr. Avinash Jaryal, Senior Panel
Counsel, for respondent Nos.1 to
6-Union of India.

G.S. Sandhawalia, Chief Justice (Oral)

Consideration in the present Letters Patent Appeal is to the order passed by the learned Single Judge in **CWP No.5947 of 2026**, titled as **Amar Singh Vs. Union of India and Others**, dated 27.04.2026, whereby the learned Single Judge had rejected the claim challenging the order dated 05.09.2017 **(Annexure P-12)** raised by the petitioner on the grounds of delay and laches.

¹ Whether reporters of Local Papers may be allowed to see the judgment?

2. The learned Single Judge was of the considered opinion that the argument that the petitioner could not approach the Court due to his illness, had no merit. The claim for disability pension was apparently projected as a continuing cause of action. However, this argument was also rejected because, rightly or wrongly, the authority had already considered and rejected the petitioner's case on 05.09.2017.

3. Counsel for the appellant has taken us through the the paper-book to point out that the petitioner as such, while on duty in the State of Jammu & Kashmir, was injured in a hand grenade attack on 05.01.2003, as a result of the blast by militants in Anantnag in which he had sustained multiple splinter injuries and lost the vision of his left eye. Therefore, having suffered from this resulting disability, he is entitled to the said benefits.

4. Apparently, from the order dated 05.09.2017 (**Annexure P-12**), which was the subject matter of challenge before the learned Single Judge, it is evident that after the incident on 05.01.2003 in which four personnel and around 35 civilians were injured, the petitioner had been evacuated to 92 Base Army Hospital on the same day, where he had been diagnosed of multiple splinter injury (right) face, both lower limb, chest ABD (left) elbow. The proposal for sanction of State Ex-

Gratia was taken up with competent authority, but his case was turned down on the ground that the percentage of disability due to injuries was nil, though he had multiple healed, splinter injuries and he was found fit for duty. Thereafter, he was relieved on transfer to GC, CRPF in Greater Noida on 12.11.2005. He was declared medically fit, i.e., Shape-I, indicating no disability due to the injuries sustained in the incident on 05.01.2003.

5. While posted in Greater Noida, he did not submit any application for sanction of disability pension, except for an application for ex-gratia compensation from the State of Jammu & Kashmir. Thereafter, on attaining the age of 57 years, he proceeded on superannuation from service w.e.f. 31.12.2012 (AN) and completed his pension papers. The due authorization was given vide PPO dated 21.11.2012. Therefore, the respondents concluded that there were no provisions under the CCS (EOP) Rules to grant financial benefits to a person having no disability since, he was medically fit (Shape-I) for duty and there was not a single percentage of disability found in his health.

5. The said order was passed during the pendency of CWP-18655-2013 (O&M), filed in the High Court of Punjab and Haryana at Chandigarh. The Court disposed of the petition on 09.11.2017 (**Annexure P-13**), and since the speaking order had

been passed the petition no longer survived for consideration. Liberty had been given to the petitioner to challenge the order dated 05.09.2017 before an appropriate forum.

6. No steps were taken except serving a representation dated 16.01.2018 (**Annexure P-14**), thereafter and the writ petition came to be filed before the learned Single Judge only in the year 2026. It was in such circumstances that the learned Single Judge had dismissed the writ petition.

7. Keeping in view the above, we are of the considered opinion that the issues were never raised during the petitioner's period of service. Therefore, after having received his PPO and due discharge, his cause of action had accordingly died along with his superannuation. Merely because the petitioner now resides in the State of Himachal Pradesh, does not give him a cause of action regarding his disability pension. The incident happened in Jammu & Kashmir in the year 2003 and the petitioner was subsequently posted in Greater Noida, from the year 2005 until his superannuation on 31.12.2012. Furthermore, the Authority specifically recorded that he did not suffer any disability, even though, he may have been injured in the incident.

8. Thus, we are of the considered opinion that the learned Single Judge was well justified in dismissing the petition

on the ground of delay and laches. For additional reasons, we do not find any ground to interfere with the well reasoned orders passed by the learned Single Judge at this belated stage. Resultantly, the present appeal stands dismissed accordingly.

9. Pending miscellaneous application(s) if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

9th July, 2026
(Munish Thakur)