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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 1246/2025**  
**UNION OF INDIA & ORS.**

.....Petitioners

Through: Mr. Vijay Joshi and Mr.  
Shubham Chaturvedi, Advs.

versus

**EX SGT DHARMENDRA SINGH SERVICE NO 775733 K**

.....Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE SHALINDER KAUR**

**ORDER**

**31.01.2025**

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**CM APPL. 6184/2025—exp.**

1. Allowed, subject to all just exceptions.

**W.P.(C) 1246/2025, CM APPL. 6183/2025**

2. This petition has been filed under Article 226 of the Constitution of India, challenging the Order dated 25.01.2023 passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi in Original Application (“OA”) No. 2322/21 titled ***Ex Sgt Dharmendra Singh versus Union of India & Ors.***, by which the learned AFT has allowed the OA filed by the respondent therein with the following directions:-

*“8. In light of the aforesaid judicial pronouncements and the parameters referred to above, the applicant is entitled for disability element of pension in respect of disability*



*‘Primary Hypertension’. Therefore, OA is allowed. The respondents are directed to grant disability element of pension for the disability ‘Primary Hypertension’ to the applicant which be rounded off to 50% for life from the date of discharge in term of the judicial pronouncement of the Hon’ble Supreme Court in the case of **Union of India Vs. Ram Avtar (Civil Appeal No. 418/2012)** decided on 10.12.2014. However, as the applicant has approached the Tribunal after considerable delay, in view of the law laid down in Tarsem Singh’s case (supra), arrears will be restricted to three years prior to the date of filing of this OA i.e. 20.09.2021.”*

3. The present petition has been filed after a delay of more than two years. There is absolutely no explanation for this delay. We must note here that the dispute of the parties is in relation to the claim of the respondent for disability pension. The petitioner cannot be allowed to avail remedies at its own whims and fancies and on its own terms.

4. We, therefore, refuse to entertain the present petition in exercise of our discretionary extraordinary jurisdiction under Article 226 of the Constitution of India only on the ground of delay and laches.

5. Accordingly, the petition along with pending application is dismissed.

**NAVIN CHAWLA, J**

**SHALINDER KAUR, J**

**JANUARY 31, 2025/ss/kp/IK**

*Click here to check corrigendum, if any*