



2025:DHC:11839-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 19430/2025**

EX CADET JAI SWARUP WAL

.....Petitioner

Through: Ms. Shruti Rawat, Mr. Prashant
Negi and Mr. Mohd Afjal Khan, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Dr. Vijendra Singh Mahndiyan,
CGSC with Mr. Vikrant Goel, Advocate for
R-1 to 4.

Ms. Anjali Vohra, Advocate for R-5.

Ms. Shambhavi Sharma, Government
Pleader with Ms. Avantika Pandey, Ms.
Vanshika Arora and Mr. Ayush, Advocates.
Major Anish Muralidhar for the Army.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

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22.12.2025

C. HARI SHANKAR, J.

CM APPL. 81036/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 19430/2025 & CM APPL. 81035/2025 (Directions)

Signature Not Verified

Signed By: ANUBHAW P.(C) 19430/2025
TRIPATHI
Signing Date: 23.12.2025
18:35:23

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3. Dr. Vijendra Singh Mahndiyan, learned CGSC who appears for the Union of India, submits that this writ petition is vitiated by inordinate delay and laches, inasmuch as the petitioner was boarded out from service in 1967 and has preferred this writ petition in 2025.

4. We are conscious of the fact that, in *Union of India v. Tarsem Singh*¹, the Supreme Court has held that, in cases of pension, delay cannot be an impediment of grant of relief. However, in the present case, the delay is of more than half a century, in fact, almost of over 60 years. There is not a whisper of an explanation in the entire writ petition, for the said delay.

5. We have to be conscious of the fact that the respondents may also not be having, with them, at this distance of time, the relevant record, so as to contest the matter.

6. Nonetheless, for the present, we permit the petitioner to withdraw this writ petition and reinstitute the petition, if so advised, also explaining why it took almost 60 years for the petitioner to approach this Court.

7. The petition is disposed of in the aforesaid terms.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

DECEMBER 22, 2025/pa