



2026:DHC:3322-DB



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

Date of Decision: 21.04.2026

+ **W.P.(C) 5350/2026, CM APPL. 26223/2026 and CM APPL. 26224/2026**

UNION OF INDIA & ORS.

.....Petitioners

Through: Mr. Vivekanand Mishra, SPC
for UOI.

versus

278535 CPL THANKACHEN CHACKO, RETD.

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T (ORAL)

AMIT MAHAJAN, J. :

1. The present petition is filed against the order dated 05.12.2024 (hereafter '**impugned order**') passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi in O.A. No. 2180/2019 whereby the learned Tribunal found the Respondent to be entitled to the grant of Special Pension from the date of his discharge and directed the Petitioners to grant Special Pension to the Respondent with effect from a period of three years prior to the date of filing of the

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Signing Date: 23.04.2026

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original application minus the amount of gratuity already paid, if any, to be adjusted against the amount of arrears.

2. Succinctly put, the pertinent facts as highlighted on behalf of the Petitioners is as follows:

2.1. The Respondent was enrolled in the Indian Air Force on 03.09.1965. The rules stipulated that the initial period of engagement of personnel enrolled in Indian Air Force as an airman was 09 years regular service and 06 years reserve liability. The Respondent, post the expiry of the initial period of engagement of 09 years, despite being eligible, did not opt for enhancement of his term of engagement to 15 years in accordance with the rules. Consequently, the Respondent was discharged from service with effect from 30.09.1974 after having completed 09 years 28 days of qualifying regular service “on fulfilling the conditions of his enrolment”. As claimed on behalf of the Petitioners, the Respondent was not transferred to any Air Force Reserve service.

2.2. Consequently, on the virtue of the length of the Respondent’s service, the Respondent was only granted a sum of ₹2349/- as service gratuity and ₹1422/- as death-cum-retirement gratuity. Aggrieved by the same, the Respondent filed the subject OA seeking a direction to the Petitioners to grant Reservist Pension to him. During the course of the hearing, the Respondent prayed that the original application be only confined to the grant of Special Pension.

2.3. By the impugned order, the learned Tribunal, after relying on the judgment passed by the Hon’ble Apex Court in the case of ***T.S. Das v. Union of India : (2017) 4 SCC 218*** found that the Respondent



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was entitled to grant of Special Pension with effect from the date of his discharge from service. The learned Tribunal noted that while the said case related to personnel discharged from Indian Navy with less than a period of 15 years of qualifying service, Regulation 92(2) of the Navy (Pension) Regulations, 1964 was in essence similar to Regulation 136(b) of Pension Regulations for the Air Force, 1961 Part I. Consequently, taking note of the provision for grant of Special Pension under Pension Regulations for the Air Force, 1961 Part I, the learned Tribunal noted as follows:

“14. ... The applicant is thus held entitled to the grant of Special Pension with effect from the date of his discharge which the respondents are directed to grant to the applicant with effect from a period of three years prior to the date of filing of the present OA minus the amount of gratuity already paid, if any, to the applicant to be adjusted against the amount of arrears. The amount of arrears as directed hereinabove of the grant of Special Pension shall be paid by the respondents within three months from the date of receipt of the copy of this order failing which, the applicant will be entitled to interest @ 6% p.a. from the date of receipt of copy' of the order by the respondents.”

2.4. Aggrieved by the same the Petitioners have preferred the present petition.

3. The learned counsel on behalf of the Petitioners has primarily urged that the Respondent was not entitled to grant of Special Pension as the Respondent failed to fulfil the criteria encapsulated under Section 144 of the Pension Regulations for the Air Force, 1961 Part I.

4. Before this Court could be persuaded to inspect the issue involved in the present case on its merits, this Court was faced with a fundamental impediment as to whether the present petition even warranted the exercise of writ jurisdiction by this Court when the



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petition has been filed after a prolonged delay.

5. As is manifest from a perusal of the record, the impugned order was passed way back on 05.12.2024 and the present petition was preferred much later on 17.03.2026. In the interregnum, the Petitioners neither complied with the impugned order nor did they approach this Court with any reasonable promptitude.

6. On a pointed question on the aspect of delay, no explanation much less a satisfactory one was offered to justify the delay in approaching the Court after a prolonged delay of almost one and a half years. No justification has been given to show as to what prevented the Petitioners from either complying with the impugned order or challenging the same within a reasonable period. The approach and conduct of the Petitioners thus, in failing to act on the direction and leaving the matter in abeyance, ought not to be countenanced.

7. While it is settled that no rigid period of limitation governs the exercise of writ jurisdiction, yet the same is not divorced from the principles of delay and laches. This Court, thus, in exercise of writ jurisdiction, ought not to come to the aid of a litigant who, by his own conduct, demonstrates a lack of diligence. Entertaining the present petition with such conspicuous and unjustified delay would be akin to disregarding the principles of equity.

8. On such a conspectus of facts, this Court is not inclined to exercise its jurisdiction under Article 226 of the Constitution of India. The present petition is accordingly dismissed on the ground of delay and laches.

9. It is however clarified that this Court has not examined the



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merits of the case, and any question pertaining to whether Regulation 144 of the Pension Regulations for the Air Force, 1961 Part I disentitles similarly situated employees to Special Pension shall remain expressly open.

10. Pending applications also stand disposed of.

AMIT MAHAJAN, J.

ANIL KSHETARPAL, J.

APRIL 21, 2026

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