



HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 1952/2024

1. Union of India through its Secretary to Government of India,Petitioner(s)
Ministry of Defence, South Block, New Delhi-110011.
2. Additional Director General Personnel Services, Adjutant
General's Branch, Integrated HQ of Ministry of Defence
(army), DHQ PO, New Delhi-110 001.
3. OIC Records, JAK Rifles Records, PIN-908744, C/o 56 APO.
4. Principal Controller of Defence Accounts (Pensions),
Draupadi Ghat, Allahabad, Uttar Pradesh-211014.

Through: Mr. Vishal Sharma, Sr. Advocate (DSGI) with
Mr. Eishaan Dadhichi, CGSC

vs

No. 13722826 Ex Naik Bir Singh, S/o Shri Bhuri Ram, R/o Respondent(s)
Vill. & Post Office: Parole, Tehsil & District: Kathua, (J&K).

through: Mr. P.L Sharma, Advocate
Mr. B.S. Sarmal, Advocate with
Mr. Amit Singh, Advocate
Mr. S.K. Saini, Advocate

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER(ORAL)

24.09.2025

Sanjeev Kumar J

1. In this petition filed under Article 226 of the Constitution of India, the Union of India and three others seek to challenge an order and judgment dated 11.01.2019 passed by the Armed Forces Tribunal, Srinagar Bench at Jammu (*hereinafter referred to as "the Tribunal"*) in OA No. 719/2018 titled "*Bir Singh Vs. Union of India and others*" to the extent it does not restrict the payment of arrears to three years immediately preceding the filing of OA (supra).



2. The impugned judgment is assailed on the ground that the Tribunal has not appreciated the fact that the respondent had approached the Tribunal after more than two decades of the delay and cause of action and, therefore, could not have been held entitled to arrears for the entire period.
3. *Per contra*, learned counsel appearing for the respondent would submit that this petition is hit by delay and laches, as the petitioners have approached this Court after about six and half years after the passing of the judgment impugned. Reliance is placed by learned counsel for the respondent on a Division Bench judgment of this Court dated 15.07.2025 passed in WP(C) No. 1804/2025, in which, under similar set of circumstances, this Court has declined to interfere with the judgment passed in OA on the ground of inordinate delay and laches.
4. **Having heard learned counsel for the parties and perused the judgment impugned, we are of the considered opinion that this petition is hit by delay and laches.**
5. Indisputably, the judgment in OA No. 719/2018, which is impugned in this petition, was pronounced on 11.01.2019 and the same unequivocally held the respondent entitled to arrears, without imposing any restriction of time, to be paid by the petitioners, within a period of four months. The judgment was all along in the notice of the petitioners. The execution petition filed by the respondent before the Tribunal in the year 2019 is being contested by the petitioners and, therefore, they cannot plead



ignorance of the judgment or its import on any ground whatsoever.

6. We have gone through the memorandum of writ petition and do not find any good explanation coming forth to explain the delay of more than six and half years in approaching this Court. Relying upon the judgment passed by a Division Bench of this Court (supra), we are of the view that this petition, too, is hit by inordinate delay and laches and, therefore, cannot be entertained.
7. **For the foregoing reasons, we are not inclined to entertain this petition and the same is, accordingly, dismissed alongwith connected application(s), if any.**

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

Jammu
24.09.2025
Diksha

Whether the order is speaking	:	Yes/No
Whether the order is reportable	:	Yes/No