



\$~2

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

%

Date of Decision : 01.04.2026

+ W.P.(C) 2857/2026 CM APPL. 13949/2026

UNION OF INDIA & ORS.

.....Petitioners

Through: Mr. Rajesh Kumar, Advocate with
Major Kanika Sharma Army

versus

EX NB SUB MADAN PAL SINGH TOMAR

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

MANMEET PRITAM SINGH ARORA, J. (ORAL)

1. The present petition has been filed under Article 226 with the following prayers:

“i. Issue a writ of certiorari interalia setting aside the order dated 17.04.2018 passed by the Hon’ble Armed Forces Tribunal.

ii. Pass any other order(s)/direction(s) as this Hon’ble Court deems fit in the interest of justice.”

2. The brief facts are that the Respondent was enrolled in the Army Medical Corps on 21.10.1963 and was discharged in 1988 on compassionate grounds under Rule 13(3) Table 1(i) of the Army Rules,1954.



2.1. Prior thereto, Release Medical Board [‘RMB’] held on 22.09.1988 assessed his disability “Sciatica (LT)” at 30% for two years and opined the same to be not attributable to, but aggravated by, military service. He was thereafter granted service pension vide PPO dated 12.12.1988.

2.2. After about 28 years, the Respondent served a legal notice dated 13.08.2016 upon the Petitioners claiming disability pension with rounding off benefits. Upon rejection of the said claim vide reply dated 07.02.2017, the Respondent filed Original Application [‘O.A.’] No. 878 of 2017 before the Armed Forces Tribunal, Principal Bench [‘Tribunal’].

2.3. The Tribunal allowed the O.A. vide order dated 17.04.2018 and granted disability element of pension at 30%, rounded off to 50% w.e.f. 01.01.1996.

2.4. Subsequently, in Review Application No. 18 of 2021 filed by the Petitioners, the said order dated 17.04.2018 was modified vide order dated 25.04.2022 to the limited extent that the disability element of pension, rounded off to 50%, would be payable w.e.f. 01.01.2006.

2.5. Learned counsel for the Petitioners submits that the Tribunal has failed to appreciate the relevant Pension Regulations governing the field and has erred in holding the Respondent entitled to disability pension. It is contended that even on a proper application of Regulations 83 and 85 of the Pension Regulations for the Army, Part I, 2008, no such entitlement accrues in favour of the Respondent. It is further submitted that the Respondent does not satisfy the foundational conditions stipulated in Regulation 81 of the



said Regulations and, therefore, the very basis for grant of disability pension is absent.

2.6. On this premise, learned counsel argues that the impugned order of the Tribunal is unsustainable in law and have filed the present writ petition to set aside the order dated 17.04.2018 which was modified vide order dated 25.04.2022.

2.7. He however clarifies that the impugned order dated 17.04.2018 has been implemented and the disability pension his been paid.

3. This Court has heard the learned counsels for the Petitioner and has perused the record.

4. As noted above, the Petitioners have already implemented the order dated 17.04.2018 and have been extending the benefit of disability pension to the Respondent in terms thereof.

5. This Court, having considered the facts of the present case as also the submissions advanced on behalf of the Petitioners, is of the considered opinion that, the writ petition is liable to be rejected on the ground of delay and laches, having been instituted after an unexplained delay of nearly eight [8] years. A party invoking the extraordinary jurisdiction of this Court under Article 226 is expected to approach the Court with reasonable promptitude.

The extraordinary writ jurisdiction is, by its very nature, discretionary, and such discretion cannot ordinarily be exercised in favour of a litigant who has slept over his rights for an unduly long period. There is no justification whatsoever by the Petitioner for this inordinate delay.



6. At the same time, since this petition is being declined on the threshold on account of delay and laches, this Court deems it appropriate to leave the question of law arising in the matter open to be examined and adjudicated in an appropriate proceeding by the competent authority, if so occasioned, without the present order being construed as an expression on the merits of the legal issue involved.

7. The present petition is dismissed. Pending applications, if any, stands disposed of.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

APRIL 1, 2026/AJ