



2026:AHC-LKO:15869-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 2311 of 2026

Union Of India, Thru. Secy. Ministry Of Defence
New Delhi And 3 Others

.....Petitioner(s)

Versus

636232 -S Ex Jwo Baban Singh

.....Respondent(s)

Counsel for Petitioner(s)	:	Krishna Lal Yadav
Counsel for Respondent(s)	:	

Court No. - 1

**HON'BLE RAJAN ROY, J.
HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

1. By means of this petition filed in 2026, the petitioner- Union of India has challenged the judgment and order dated 01.02.2023 passed in).A. No. 750 of 2022 (636232-S Ex Jwo Baban Singh (Retd.) Vs. Union of India and Others).

2. Apparently, the petitioner has approached this Court after more than three years of passing of the impugned judgment.

3. On being confronted, learned counsel for the petitioner has invited our attention to Paragraph Nos. 22 and 23 wherein according to him the delay has been explained. The said paragraphs read as under:-

"22. That as far as delay which, has occurred in filing the Writ Petition, the same is not deliberate but the same is bonafide and genuine which deserves to be condoned. It is stated that the judgment was delivered by the Armed Force Tribunal on 01.02.2023.

Thereafter, the matter was examined at the level of petitioner No. 1. who decided that, the matter was fit for challenge by way of the instant Writ Petition. However, the said decision could only be taken after the advice by Attorney General of India i.e. for filing of the Writ Petition in the Hon'ble High Courts in respect of similar matters relating to award of disability pension by the Armed Forces Tribunal. Thereafter papers were routed through the different desks and examined by the competent authorities of the Indian Air Force. Ultimately, the deponent contacted the learned Deputy Solicitor

General for preparation of Writ Petition.

23. That subsequently sometime was consumed in collecting the necessary papers, drafting of the Writ Petition and in typing. That for the reasons aforesaid, the delay in filing the Writ Petition is bonafide and genuine and is liable to be condoned. "

4. A bare reading of the aforesaid averments will demonstrate the casual manner in which this petition has been filed. No date etc. has been given. The only explanation offered is that after passing of the judgment dated 01.02.2023, the matter was examined at the level of petitioner no. 1, who decided that the matter was fit for challenge by way of instant writ petition. Nothing has been stated as to when this exercise was done and how three years were consumed only for this purpose. It has then been stated that advise of the Attorney General of India was taken. Here again, neither the advise is annexed nor the date is mentioned as to when this happened. In spite of it, in Paragraph No. 22 it has been stated that the delay is not deliberate but the same is bonafide and genuine, which deserves to be condoned. These words have no meaning at all. There is absolutely no explanation for such delay and laches of three years. Paragraph No. 23 merely goes on to say that some time was consumed in collecting the necessary papers, drafting of the writ petition and in its typing and for this reason delay in filing the writ petition is bonafide and genuine is hardly an acceptable explanation. This cannot be treated as any explanation whatsoever for inordinate delay of three years. The petition suffers from delay and laches.

5. The writ petition is dismissed only for this reason.

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(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)

February 26 , 2026

Anuj Singh