



2026:AHC-LKO:21187-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 2993 of 2026

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

.....Petitioner(s)

Versus

Ic 45549a Maj Gen Sanjay Sethi Retd Lko

.....Respondent(s)

Counsel for Petitioner(s)	:	Balbir Singh
Counsel for Respondent(s)	:	

Court No. - 1

**HON'BLE RAJAN ROY, J.
HON'BLE MANJIVE SHUKLA, J.**

1. Heard learned counsel appearing on behalf of the parties.
2. The Union of India has filed this petition challenging a judgment and order dated 05.12.2024 passed by the Armed Forces Tribunal, Regional Bench, Lucknow in Transfer Application No. 45 of 2023.
3. Though, provisions of Limitation Act, 1963 do not apply to writ proceedings, nevertheless, a litigant has to invoke the discretionary extraordinary jurisdiction of the High Court under Article 226 of the Constitution of India with promptness and diligence without any laches. In the case at hand, this petition has been filed after more than a year of the judgment having been passed by the Armed Forces Tribunal.
4. On being confronted, learned counsel for the petitioner stated that delay has been explained in Paragraph 4 and 5 of the writ petition which reads as under:-

"4. That as far as some delay which, has occurred in filing the writ petition is not deliberate but the same is bona fide and genuine which deserves to be condoned. It is stated that the judgment was delivered by the Armed Force Tribunal on 13.12.2022. Thereafter, the matter was examined at the level of Petitioner No.1 and it was informed that all cases of related to grant of disability pension/element other than invalidation/deemed invalidation cases

were under consideration with the learned Attorney General of India regarding whether such orders are to be implemented or need to be challenged. After due deliberation, the Learned Attorney General on 18.09.2023 has opined to challenge all such orders where individuals were discharged from service on completion of terms of engagement on account of disability, "neither attributable to nor aggravated" (NANA) superannuation cases by filing writ petitions in Hon'ble High Courts of competent jurisdiction. Thereafter the Petitioner no.1 vide the letter dated 04.10.2023 had recommended that all such orders be challenged by way of filing writ petitions in the Hon'ble High Courts of competent jurisdiction. Subsequently, vide the letter dated 24.01.2025 issued by petitioner no. 3 a direction was issued to all the concerned Legal Cells to file writ petitions before the competent High Courts..

5. That thereafter, the papers were routed through the concerned offices and the petitioners approached the learned Deputy Solicitor General for preparation of the present writ petition. It is submitted that some time was consumed in collecting the requisite records, briefing the counsel, drafting and finalisation of the writ petition. It is further submitted that owing to the large volume of similar cases arising out of orders passed by the Armed Forces Tribunal, additional time was unavoidably consumed in processing and filing the instant writ petition. That the delay so occasioned is neither deliberate nor intentional but is bona fide and procedural in nature. In view of the facts and circumstances stated hereinabove, it is most humbly prayed that this Hon'ble Court may be pleased to condone the delay in filing the present writ petition in the interest of justice."

5. Apart from the aforesaid, nothing else has been stated about the delay.

6. We have carefully gone through each word of Paragraph No's. 4 and 5 and do not find any bona fide or genuiness or diligence in filing of the writ petition challenging a judgment which was delivered in December, 2024. Apparently, the writ petition suffers from delay and laches which

are grounds on which, the writ court can decline to exercise its discretionary jurisdiction under Article 226 of the Constitution of India. Vague and general recitals have been made in the above quoted paragraphs, without giving any dates and details. This is nothing but a sham attempt to cover up such a huge delay and laches on the part of the petitioner. We do not see any reason to entertain this writ petition more than a year. It would be highly unreasonable to make the respondent herein to suffer these proceedings by issuance of notice to him after such delay and laches on the part of the petitioner.

7. In fact, we find that verbatim similar explanation is being offered in every writ petition wherein such delay is involved, which itself goes to show that such petitions are being filed mechanically and the explanation offered for delay is also mechanical. We may in this very context refer to other writ petitions which are listed today bearing Writ A No. 2964 of 2026, Writ A No. 2969 of 2026 and Writ A No. 2974 of 2026. On a comparison of Paragraph No's. 4 & 5 of this writ petition with Paragraph No's. 4 & 5 of Writ A No. 2964 of 2026 & Writ A No. 2969 of 2026 and Paragraph No's. 5 & 6 of Writ A No. 2974 of 2026, we find that the recitals are almost verbatim similar. This explains a highly casual and unfair approach on the part of the petitioner.

8. In fact from the other similar writ petitions, some of which have been dismissed today itself bearing Writ A No. 2969 of 2026 and Writ A No. 2974 of 2026, we find from the averments that the learned Attorney General rendered his opinion on 18.09.2023 to challenge all such orders but this petition has been filed in 2026.

9. The writ petition is **dismissed** in the aforesaid terms.

March 23, 2026

Lokesh Kumar

(Manjive Shukla,J.) (Rajan Roy,J.)