



2026 INSC 1113

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**MISCELLANEOUS APPLICATION NO. 2026
(@ DIARY NO. 43523 OF 2026)
IN
CIVIL APPEAL NO. 6820 OF 2018**

**UNION OF INDIA THROUGH ITS
SECRETARY & ORS.**

... APPLICANTS

VERSUS

SGT GIRISH KUMAR AND ORS.

... RESPONDENTS

O R D E R

1. Delay condoned.

2. This Miscellaneous Application is filed by the Union of India, seeking clarification of the common judgment dated 12.02.2026 passed in C.A. Nos.6820-6824 of 2018 (Union of India Through Its Secretary & Ors. v. SGT Girish Kumar & Ors.) ('the common judgment') by which this Court dismissed the appeals preferred by Union of India and allowed the appeals preferred by the ex-servicemen. By the common judgment, ex-servicemen were held entitled to disability pension, including the benefit of broad banding w.e.f. 01.01.1996 or 01.01.2006, as the case may be, along with interest at the rate of 6 % *per annum*. The objections

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Reason:

of the applicant founded on limitation, delay and laches were not accepted.

3. Mrs. Archana Pathak Dave, learned Additional Solicitor General,

submitted that in the batch of appeals decided by this Court vide common judgment, the entitlement of Ex-Servicemen to the disability element of the pension was never in dispute. It was contended that the ex-servicemen in the aforesaid batch of appeals were already in receipt of disability pension and had merely sought its re-computation by way of broad banding. It was urged that the common judgment was rendered in the specific factual context of the appeals before this Court and was not intended to unsettle the principles governing stale or belated pensionary claims.

4. Learned Additional Solicitor General had furnished particulars of 23 cases pertaining to Air Force and 26 cases of Army which either have been decided or are pending before the High Court or the Armed Forces Tribunal (AFT) after the passing of the common judgment. It was pointed out that in several cases, the final orders passed earlier, which had restricted the benefit of arrears and were complied with by the applicant, have been modified by placing reliance on the common judgment. It was contended that the common judgment is being relied upon in cases involving pensionary claims of ex-servicemen which do not fall in the category of appeals decided by this Court. It was urged that a mechanical application of the common judgment would result in

administrative and financial implications and would unsettle the matters which have attained finality. It was, therefore, prayed that the common judgment be clarified and it be directed that the common judgment should not be mechanically extended to all pensionary claims where the entitlement of pension itself was in dispute and was later settled by Courts/Tribunals.

- 5.** Mr. M.V.R. Mukunda, learned counsel for the respondents, on the other hand fairly submitted that in the common judgment, arrears from specified dates were granted to ex-servicemen who were already in receipt of disability pension and were seeking only its re-computation. It was contended that the question of delay cannot be examined in isolation from the conduct of Union of India. By way of an illustration, it was demonstrated that in a case decided by Allahabad High Court, the ex-serviceman retired on 31.10.2011 and preferred the appeal claiming disability pension on 30.11.2011. It was pointed out that the said appeal was decided on 11.02.2017 that is after six years, and thus, the original application filed before the Tribunal on 30.04.2018, was well within time. It was further pointed out that the applicant itself approached court belatedly and therefore cannot claim equity on the ground of delay and laches.

- 6.** We have considered the rival submissions and have perused the

record.

7. It is well-settled in law that the observations made in a judgment are not to be read as provisions of a statute, nor are they to be read divorced from the context of the facts in which they were made. A difference in facts may make a material difference to the precedential value of a decision¹.
8. In the light of aforesaid established legal principles, we only wish to state that the common judgment dated 12.02.2026 passed in Civil Appeal Nos. 6820-6824 of 2018 cannot be construed to mean that on the basis of said judgment grant of disability pension with arrears can be claimed in every case. Needless to state that each claim shall be decided on its own merits.
9. Accordingly, the Miscellaneous Application is disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ALOK ARADHE]

**NEW DELHI;
October 12, 2026**

¹ **State of Orissa v. Sudhansu Sekhar Misra & Ors., AIR 1968 SC 647; and State of Uttar Pradesh & Anr. v. Mohd. Arshad Khan & Anr., (2026) 6 SCC 383**