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

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Date of Decision : 05.02.2026

+ **W.P.(C) 1622/2026**

NANDKISHORE DNYANDEO SURADKAR

.....Petitioner

Through: Mr. Satya Singh, Ms. Payal Arya, Mr. Sarbjeet Singh, Ms. Simran, Mr. Ritesh and Mr. Devendra Kumar Prajapati, Advs.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Ripudaman Bhardwaj, CGSC, Mr. Kushagra Kumar and Mr. Rajat Rajoria, Advs., Mr Vinod Sawant Law Officer, Insp Athurv And Mr Ramniwas Yadav, CRPF.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 7886/2026 (Exemption)

1. Exemption is allowed, subject to just exceptions.
2. The application is disposed of.

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3. This petition has been filed with the following prayers:-

“I. Issue a writ of Mandamus or any other writ, order,



or direction directing the Respondents:

- a. Directing the Respondents to revisit and modify the penalty of dismissal from service imposed upon the Petitioner vide order dated 28.07.2009, by substituting the same with the lesser penalty of compulsory retirement under Rule 27 of the CRPF Rules, 1955, for the limited purpose of grant of retirement-related benefits;*
- b. Directing the Respondents to consider and grant Compassionate Allowance to the Petitioner under Rule 41 of the CCS (Pension) Rules, 1972, in accordance with law, taking into account the Petitioner's length of service, unblemished past record, and compelling humanitarian circumstances;*
- c. directing the Respondents to release all consequential retirement and pensionary benefits, if any, found admissible to the Petitioner pursuant to such conversion of penalty, within a time-bound period as may be fixed by this Hon'ble Court;"*

4. At the outset, Mr. Ripudaman Bhardwaj, learned Central Government Standing Counsel for the respondents informs the Court that the petitioner had already approached the High Court of Judicature at Allahabad against the order of dismissal vide Writ – A No. 5697/2021, which was decided on 30.06.2021.

5. He has placed before us a copy of the order, which we have perused. It is clear that the petition challenged the penalty of dismissal imposed on the petitioner. The challenge has been rejected. The only plea of the learned counsel for the petitioner is that, in the said petition the petitioner had challenged the order of dismissal whereas in this case, he is seeking modification of the penalty of dismissal to compulsory retirement.



6. We are unable to accept such a submission of the learned counsel for the petitioner, as such a plea, even though not taken in the writ petition before the High Court at Allahabad, could have been taken. In fact, we find that there is no reference to the filing of the petition before the High Court at Allahabad, in this petition rather in paragraph 37, the following has been stated:

“37. That the Petitioner has not filed any other Petition in any other court on the subject matter of the present Petition.”

7. If that be so, we dismiss the writ petition directing petitioner to deposit Rs.5,000/- as cost with the Delhi High Court Advocates Welfare Trust within two weeks.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 05, 2026/sr