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

+ **W.P.(C) 125/2026**

RAJIV KUMAR

.....Petitioner

Through: Mr Himanshu Gautam, Ms Niharika
Pun, Advs.

Versus

UNION OF INDIA & ORS

.....Respondents

Through: Ms. Shambhavi Sharma, GP, Mr.
Sushil Kumar Pandey, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

05.02.2026

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1. This petition has been filed with the following prayers:

“It is, therefore, most respectfully prayed that this Hon’ble Court may graciously be pleased to:-

a) Issue a writ order or direction in the nature of mandamus directing the Respondents to reinstate the Petitioner in service and allow him to continue in service till 60 years of age alongwith all consequential benefits.

b) Issue any other suitable writ, order or direction as this Hon’ble court may deem fit and proper under the circumstances of the case.”

2. In effect, the petitioner is seeking a declaration that he be continued in service till 60 years of age, along with consequential benefits. The petitioner was working as Deputy Commandant, for which post the age of superannuation is 57 years.

3. We have been informed that petitioner has retired as per age of retirement i.e., 57 years.

4. According to Mr Himanshu Gautam, learned counsel for the



petitioner, the issue of retirement age as 60 years is covered by the judgment of coordinate bench of this court in ***Cheeli J Ratnam v. Union of India 2025 SCC OnLine Del 8573***. The said judgement has been followed by this bench in the case of ***Jai Prakash Mourya & Anr. V. Union of India and Ors. W.P.(C) 998/2026***, decided on 23.01.2026, wherein we have held that the petitioners therein, would be entitled to continue in the service till the age of 60 with all consequential benefits.

5. We recollect, having recorded the submission made on behalf of the respondents, that the decision ***Cheeli J Ratnam (supra)*** is being challenged before the Supreme Court, but as there is no stay as of today by the Supreme Court, we are of the view, for parity of reasons, the petitioner herein, shall be entitled to the benefit of the judgment in the case ***Cheeli J Ratnam (supra)***, as followed by this court in ***Jai Prakash Mourya (supra)***.

6. Accordingly, we hold that the petitioner would be entitled to continue in the service till the age of 60, with all consequential benefits, subject to the petitioner, in the first instance, returning all the retiral benefits which he has has been paid.

7. We have been informed by Mr Himanshu Gautam that the necessary payment shall be made by the petitioner to the respondents within eight weeks.

8. The petition along with pending application, if any, is disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 5, 2026

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