

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20315 of 2010

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Jai Prakash Narayan Sinha S/O Late Ram Dewan Sinha R/O Vill.-
Bishunpur Pakari, P.S.- Beur, Distt.- Patna

.... Petitioner

Versus

1. The Union Of India Through The Ministry Of Home Affairs, New Delhi
2. Secretary, Ministry Of Home Affairs, New Delhi
3. The D.G., B.S.F., B.S.F. Head Quarter, New Delhi
4. The I.G., B.S.F. Shillong, Meghalaya
5. The Commandant, 5 B.N., B.S.F., Panbari, Distt.- Dhubri, Assam

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Gautam Prasad, Adv.

For the Respondent/s : Mr. Anshay Bahadur Mathur, CGC

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 29-06-2015

Heard learned counsel for the parties.

From reading of the writ petition it does not transpire that any part of cause of action had arisen within the territorial jurisdiction of this Court, inasmuch as the petitioner while continuing in the services of Boarder Security Force seems to have taken voluntary retirement in the year 2009. His grievance that he was not paid the benefit of ACP or that his retirement benefit was not given in ACP pay scale, can again be not a cause of action after the period of his voluntary retirement.

Keeping, however, the fact that the petitioner had retired from the State of Assam while he was serving in BSF in the year 2009, the grievance of the petitioner ought to have been either raised in the State of Assam or in the State of Gujarat for pursuing

his remedy by filing a writ petition in the year 2009.

As a matter of fact the petitioner's representation is said to be pending but the respondents also have not cared to file any counter affidavit which could have enabled this Court to decide this matter either on the issue of jurisdiction or on the merit of the claim of the petitioner.

In such a situation while this Court would not like to say anything as with regard to the grievance of the petitioner but then it will be always open to the petitioner to approach the competent authority/ court for redressal of grievance and if the petitioner is now aggrieved by any such order, he will have again the option of moving against such order before the appropriate forum/ court.

With the aforementioned observations, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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