IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5154 of 2015

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1. The Union of India through the Secretary (Revenue), Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. The Chairman, Central Board of Excise and Customs, Ministry of Finance, Government of India, North Block, New Delhi.
3. The Director General of Vigilance Customs & Central Excise, 1st & 2nd Floor Hotel Samrat, Kautilya Marg, Chanakya Puri, New Delhi-110021.
4. The Chief Vigilance Officer, Central Board Excise & Customs, Ministry of Finance, Department of Revenue, Government of India, Bhikaji Kama Place, R.K. Puram, New Delhi.
5. The Chief Commissioner, Central Excise & Service Tax, Ranchi Zone, Patna (Bihar).
6. The Commissioner, Central Excise & Service Tax, Patna (Bihar).
7. The Joint Commissioner, (P & V), Central Excise Hqrs. Patna (Bihar).

.... Petitioner/s

Versus

Rajeev Kapoor, S/o Sri P.L. Kapoor, Inspector, Customs & Central Excise, presently on deputation in Settlement Commission, Principal Bench 3rd Floor, Hotel Samrat, Kautilya Marg Chankyapuri, New Delhi – 110021.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Navedita Nirvikar
For the Respondent/s	:	Mr. M.P. Dixit
		Mr. Sanjay Kumar Choubey.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
and
HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)
Date: 02-07-2015

This writ petition has been filed by Union of India being aggrieved by the order dated 28.10.2014 passed by the Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 3730 of 2013 whereby the Tribunal has quashed and set aside the order of the Appellate Authority and the Disciplinary Authority. The sole respondent is Rajiv Kapoor, has appeared. The respondent herein is posted as Inspector, Customs and Central Excise, on deputation in Settlement Commission, New Delhi. The sole respondent, who was the applicant before the Tribunal at Delhi and Mr. M.P. Dixit, learned counsel for the respondent, has raised objection, as to jurisdiction. He submits that as the order, by which Union of India is aggrieved, is an order passed by the Central Administrative Tribunal at New Delhi and further, as the sole contesting respondent was and is residing at New Delhi, the writ petition at Patna is not maintainable.

On the other hand, learned counsel for the petitioners, Union of India, submits that part cause of action i.e. the order of the Disciplinary Authority and the Appellate Authority, having been passed in the State of Bihar, this Court has jurisdiction.

We have considered the matter and in our view, the primary objection raised is correct. Union of India is not aggrieved by the order of the Disciplinary Authority or Appellate Authority. Thus, it is wrong to say that they could confer or afford Union of India cause of action to move the Court. The cause of action for Union of India is the order of the Central Administrative Tribunal, New Delhi, which is beyond the jurisdiction of this Court. Even if we were to extend to these proceedings, the principle of jurisdiction as enshrined under section 20 C.P.C. with regard to residence of defendant, the sole respondent resides at New Delhi. Thus, no part cause of action arises within the jurisdiction of this Court. Apart from this, the original order and the order in appeal merged with the order of the Tribunal at Delhi and it is the adverse order of the Tribunal at Delhi that Union of India is aggrieved by and not by orders of the Disciplinary Authority or the Appellate Authority. Accordingly, this Court will have no jurisdiction in the matter. In the result, this writ petition is not maintainable at Patna and the same is dismissed.

(Navaniti Prasad Singh, J.)

(Rajendra Kumar Mishra, J.)

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