

102

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.24102 of 2014

Date of decision: June 03, 2016

Jai Pal Singh

.....Petitioner

Versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Mr. D.R. Sharma, Advocate
for respondents No.2 and 3.

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

A.B. CHAUDHARI, J.

The petitioner has challenged the order dated 16.01.2013 passed by the Central Administrative Tribunal (for short 'CAT'), Chandigarh Bench, Chandigarh in Original Application (for short 'OA') No.777/JK/2010.

It is not in dispute that the present petitioner who was the original applicant before the Tribunal had filed his OA before the registry of Circuit Bench of the Tribunal at Jammu and Kashmir and therefore, his OA was registered as OA No.777/JK/2010. The application filed by the applicant before the Tribunal thus, arose from the registry of Circuit Bench of CAT at Jammu and Kashmir. The fact that the Bench of Tribunal is

functioning at Chandigarh, would not shift the jurisdiction from Jammu and Kashmir High Court to the seat of High Court of Punjab and Haryana at Chandigarh. On the contrary, since the original application filed by the applicant arose from Jammu and Kashmir, the territorial jurisdiction would be of the Jammu and Kashmir High Court, even, though the OA was decided by the CAT Chandigarh Bench, Chandigarh, and that a small part of cause of action has arisen within the territorial jurisdiction of Punjab and Haryana High Court. The Apex Court in the case of **Kusum Ingots and Alloys Ltd. versus Union of India and another** (2004) 6 SCC 254, stated thus, in Para 30 of the judgment:-

“Forum Conveniens

We must, however, remind ourselves that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum conveniens. [See *Bhagar Singh Bagga v. Dewan Jagbir Sawhany, Mandal Jalan v. Madanlal, Bharat Coking Coal Ltd. v. Jharia Talkies & Cold Storage (P) Ltd. (1997), S.S. Jain & Co. v. Union of India and New Horizon Ltd. v. Union of India.*”

We are, therefore, of the opinion that Jammu and Kashmir High Court has jurisdiction to decide the present writ petition. Similar view has been taken in the case of **Union of India and others versus Dheeraj Gupta and others** 2010 (3) SCT 570 and CWP No.24045 of 2012 **Union of India and others versus Ashok Kalra and another.**

The writ petition is accordingly, dismissed for want of territorial jurisdiction with the direction to the registry to return the paper

book to the petitioner for its presentation before the High Court of competent jurisdiction.

[SURYA KANT]
JUDGE

[A.B. CHAUDHARI]
JUDGE

June 03, 2016
mahavir