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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 4962/2014 & CM No.9932/2014
PAPPU KUMAR PANDEY Petitioner
Through : Mr.Akhilesh Kumar Pandey, Advocate

versus

MINISTRY OF HOME AFFAIRS & ANR Respondents
Through : Mr. Ripu Daman Bhardwaj, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
% **21.03.2016**

1. The present petition has been filed by the petitioner praying *inter alia* for quashing the order dated 21.2.2013, passed by the Disciplinary Authority, the Commandant, Sashastra Seema Bal (SSB), Bahraich, UP, imposing on him a penalty of dismissal from service on account of the misconduct committed by him under Section 11 (1) of the CRPF Act, 1947 and Rules.
2. The records reveal that aggrieved by the aforesaid order, the petitioner, who is a resident of Madhubani, Bihar, had filed an appeal before the Appellate Authority, i.e., the Deputy Inspector General, SHQ, SSB, Lakhimpur Kheri, UP, which was rejected vide order dated 15.4.2013. Aggrieved by the aforesaid rejection order, the petitioner had preferred a revision petition before the Inspector General, SSB based at Lucknow, UP. Though a copy of the decision taken on the petitioner's revision petition has not been filed with the petition, the list of dates and events mentions that the

same was dismissed on 28.6.2013.

3. Counsel for the respondents opposes the maintainability of this petition on the ground that no part of the cause of action has arisen in Delhi for the petitioner to have approached this Court for assailing the aforesaid orders. He adds that prior hereto, the petitioner had filed a writ petition in the Allahabad High Court, registered as WP(C)No.2313/2011, which was dismissed vide order dated 10.4.2013 for want of prosecution. A copy of the said order has been enclosed with counter affidavit and marked as Annexure R-1.

4. It is clarified by the counsel for the petitioner that the aforesaid writ petition was filed by the petitioner being aggrieved by the order dated 19.7.2010, whereunder he was removed from service on the conclusion of the Summary Force Court. However, later on, the Director General, SSB had set aside/annulled the proceedings of the SSB on the ground that since the misconduct had taken place prior to the notification of the SSB Act, 2007, action could not have been initiated against the petitioner under the said Act but under the CRPF Act and Rules. Liberty was granted to the Disciplinary Authority to initiate further proceedings under the extant Rules.

5. It is submitted by the counsel for the petitioner that as the petitioner was reinstated in service w.e.f. 10.10.2011, he did not pursue the earlier writ petition filed by him in the Allahabad High Court.

6. Be that as it may, fact of the matter is that no part of the actionable cause of action has arisen in Delhi for the petitioner to have approached this Court for any relief.

7. At this stage, counsel for the petitioner states that he may be permitted to withdraw the present petition, while reserving the right of the petitioner to

approach the competent court vested with territorial jurisdiction to entertain the same.

8. Leave, as prayed for, is granted. The writ petition is dismissed as withdrawn, along with the pending application.

HIMA KOHLI, J

SUNIL GAUR, J

MARCH 21, 2016

sk/ap

