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

+ W.P.(C) 11482/2016 & CM No.45122/2016

MANOJ KUMAR

..... Petitioner

Through: Mr. Sudershan Kumar Dhanker,
Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. B.S. Shukla, CGSC with
Mr. Mimansak Bhardwaj, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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07.12.2016

We are not inclined to entertain the present writ petition on the ground of territorial jurisdiction.

The petitioner, who is a resident of Haryana, had applied for selection to the post of Nursing Orderly in the recruitment process conducted by ESIC Recruitment Board at Bangalore. He alleges certain irregularities in the said recruitment process.

The petitioner had filed OA No.2616/2014 before the Principal Bench of the Central Administrative Tribunal at Delhi. The respondents, in their reply, had raised objection regarding the territorial jurisdiction. The

Tribunal, in the impugned order, observed that there was 'some merit' in the preliminary objection on the point of territorial jurisdiction, yet, as notices had been earlier issued by the Coordinate Bench and interim order had been granted, they were deciding the matter on merits.

We find that the entire cause of action in the present writ petition had arisen in Bangalore, where the recruitment process was undertaken.

As noticed above, the petitioner has alleged irregularities in the said recruitment process. Mere fact that ESIC Headquarters are situated in Delhi would not confer and give jurisdiction to this High Court.

The petitioner has submitted that he has been able to ascertain and get certain further information under the Right to Information Act after the order dated 13.10.2015. The said information also relates to the recruitment process at Bangalore.

In view of the decision of Five-Judge Bench in M/s. *Sterling Agro Industries Ltd. v. Union of India & Ors.*, AIR 2011 Del 174: (2011) 181 DLT 658(DB), we would not like to entertain the present writ petition as the entire cause of action has arisen in Bangalore. Impugned order by the Tribunal in Delhi would not, in the factual matrix and the stand of the respondent, matter. The petitioner, if aggrieved, may approach the

jurisdictional High Court.

Recording the above, the writ petition is not entertained on the ground of lack of jurisdiction. CM No.45122/2016 also stands disposed of.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

DECEMBER 07, 2016
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