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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) No. 10697/2016

19th December 2016

SH. S.N. KATHURIA

..... Petitioner

Through: Mr. Sarfaraz Khan, Adv.

versus

CENTRAL BANK OF INDIA & ANR.

..... Respondents

Through: Mr. R.S.Mathur, Adv.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

CM Nos. 41885-41886/2016 (exemptions)

1. Exemptions allowed subject to just exceptions.

CMs stand disposed of.

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2. This writ petition under Article 226 of the Constitution of India impugns the orders passed by the respondent/Central Bank of India/ employer dated 6.4.2015 and 17.10.2015 whereby the petitioner has been inflicted the punishment of dismissal from services which shall be a disqualification for future employment.

3. The orders dated 6.4.2015 and 17.10.2015 have been passed at Mumbai. The entire enquiry proceedings were also held at Mumbai and

even the show cause notice/charge-sheet was issued to the petitioner at Mumbai. The impugned orders dated 6.4.2015 and 17.10.2015 were passed at Mumbai. No part of cause of action therefore has arisen at Delhi.

4. Merely because the petitioner has settled in Delhi after dismissal from services it does not mean that Delhi will have the territorial jurisdiction to try the petition. To have territorial jurisdiction at Delhi, whole or part of cause of action would have to accrue at Delhi or the impugned orders which have to be set aside by issuing directions to the competent authorities which are to be at Delhi but which is not so inasmuch as the authorities which have passed the impugned orders are at Mumbai.

5. This petition is therefore dismissed on account of lack of territorial jurisdiction as also applying the doctrine of *forum non conveniens* inasmuch as the entire record, entire evidence and all other papers with respect to the enquiry proceedings against the petitioner would be at Mumbai and not at Delhi. The law is well settled with respect to writ jurisdiction being a discretionary jurisdiction and an extraordinary jurisdiction wherein the principle of *forum conveniens/forum non conveniens* has to be applied in view of a Full Bench Judgment of five judges of this Court in the case of ***Sterling Agro Industries Ltd. Vs. Union of India (UOI) AIR 2011 Delhi 174.***

6. Dismissed.

DECEMBER 19, 2016/ib

VALMIKI J. MEHTA, J