

\$~16

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

+ **W.P.(C) 4213/2016 & C.M. No. 17799/2016**

MUKESH KUMAR

..... Petitioner

Through: Mr. Shakeel Ahmed, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Raghav Kapoor, proxy counsel for
Ms. Suparna Srivastava, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

%

11.05.2016

1. The present petition has been filed by the petitioner, who was working on the post of a Constable with the BSF, assailing his dismissal order dated 24.1.2014 issued by the Commandant, BSF North Bengal.
2. Learned counsel for the petitioner states that the petitioner had preferred an appeal dated 07.3.2014 against the dismissal order which the respondents have not disposed of till date.
3. Subsequently, on 09.9.2014 and 14.3.2015, the petitioner had sent reminders to the Appellate Authority to consider and dispose of his appeal but to no avail. Hence, the present petition.
3. We are *prima facie* of the opinion that the present petition is not maintainable in this Court as no actionable part of the cause of action

has arisen in Delhi, particularly, when the impugned order was passed at West Bengal and an appeal has been preferred by the petitioner before the Appellate Authority based in West Bengal.

4. Learned counsel for the respondents, who appears on advance notice states on instructions that without prejudice to the objection with regard to the maintainability of the present petition in this Court on the ground of lack of territorial jurisdiction, having regard to the limited relief prayed for by the petitioner, which is for disposal of his pending appeal, the respondents shall ensure that the said appeal is disposed of as early as is possible.

5. Accordingly, the present petition is disposed of with liberty granted to the respondents to consider and decide the pending appeal of the petitioner within eight weeks from today under written intimation to him.

6. If the petitioner is aggrieved by the order that may be passed by the Appellate Authority, he shall be entitled to seek his remedies, if so advised, before the competent Court vested with territorial jurisdiction in that regard.

7. The petition is disposed of alongwith the pending application.

HIMA KOHLI, J

SUNIL GAUR, J

MAY 11, 2016/ap