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

+ **W.P.(C) 11313/2015 & CM No.29638/2015**

JAI KARAN

..... Petitioner

Through : Mr. Jaspreet Singh Kapur, Advocate

versus

UNION OF INDIA & ORS.

..... Respondents

Through : Mr. G.M. Goyal, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE V.P. VAISH

ORDER

26.02.2016

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1. The present petition has been listed subject to an objection raised by the Registry with regard to its maintainability on the ground that this Court is not vested with the territorial jurisdiction to entertain the same.

2. The petitioner herein has filed the present petition assailing the order dated 3.6.2015, passed by the Inspector General, CISF, Kolkata, whereunder his representation dated 13.4.2015, for treating the period between 13.6.2013 to 17.6.2014 as 'dies-non' has been rejected on the principle of 'no work no pay'.

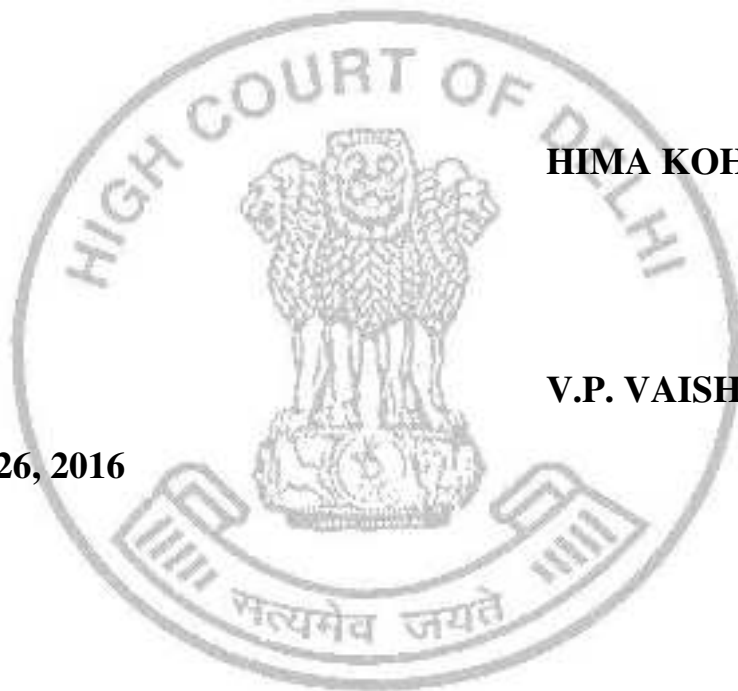
3. Counsel for the respondents states that the respondents have also taken a preliminary objection with regard to the maintainability of the present petition in the Delhi High Court on the ground that the entire cause of action has occurred at Durgapur, Kolkata and if the petitioner is aggrieved by the impugned order dated 3.6.2015, then he ought to have approached the High Court at Kolkata. He further states that the services of the petitioner were terminated by the DIG at the CISF Unit, Durgapur, Kolkata and his representation was disposed of by the IG, Kolkata, which is a clear indicator towards the fact that he ought not to have approached this Court for filing the present petition as no part of the actionable cause of action has arisen in Delhi.

4. Counsel for the petitioner opposes the aforesaid submission and asserts that this Court is vested with the territorial jurisdiction to entertain the present petition on the ground that the petitioner had submitted a representation dated 13.4.2015 to the Director General, CISF, Lodhi Road, New Delhi that has remained pending.

5. The aforesaid submission is not borne out by the observations made in the impugned order dated 3.6.2015, wherein the issue raised by the petitioner in his representation dated 13.4.2015 has been considered and decided. In fact, a reference of the petitioner's representation dated 13.4.2015 finds specific mention in para 4 of the impugned order. In such circumstances, we are of the opinion that no part of the actionable cause of action has arisen in Delhi for the petitioner to file the present petition in this Court.

6. Accordingly, the present petition is disposed of, with liberty granted to the petitioner to approach the appropriate court vested with territorial jurisdiction to entertain the same. While disposing of the present petition, it is clarified that we have not made any observations on the merits of the case, which shall be considered by the competent court in accordance with law.

7. The present petition is disposed of, along with the pending application.



HIMA KOHLI, J

V.P. VAISH, J

FEBRUARY 26, 2016
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