

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9504 of 2011

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Shankar Das, Son Of Late Ram Swarup Das, Resident Of Village-Post-Fudikrichak,
P.S.-Gogri Jamalpur, District-Khagariya, Bihar Presently residing C/O Sri Surya
Narayan Das, Village Gandhi Tola, Banwarsa PO+PS-Haweli Kharagpur, District-
Munger, Bihar.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry Of Home Affairs, New Delhi.
2. The Secretary, Ministry Of Home Affairs, New Delhi.
3. The Director General, Central Reserve Police Force, CGO Complex, Lodhi Road, New Delhi.
4. The Inspector General Of Police, Manipour And Nagaland Sector, CRPF Imphal (Manipur)
5. The DIGP (Ops) Directorate General CRPF, New Delhi.
6. The DIGP, CRPF, Imphal Range (Manipur)
7. The DIGP, CRPF, Ranchi (Jharkhand)
8. The Commandant 26BN, CRPF, Chas Bokaro (Jharkhand)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.
Mr. Jyoti Ranjan Jha, Adv.
For the Respondent/s : Mr. Anshuman Singh, CGC
Mr. Hridayal Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 02-07-2018

This writ application has been preferred for setting the
aside the order dated 06.02.2010 passed by the Commandant, 26th
Battalion whereby and whereunder the petitioner has been imposed
with a punishment of compulsory retirement from service with effect
from 06.02.2010. The petitioner has also challenged the order passed
by the appellate authority as contained in Annexure-3 and finally the
order passed in the revision petition filed by the petitioner vide



Annexure-4 to the writ application.

Learned counsel representing the Union of India (CRPF) at the outset raised a preliminary objection as to the maintainability of the writ application in this Court as according to the learned counsel no part of the cause of action has arisen within the jurisdiction of this Court and, therefore, the writ application is fit to be dismissed on this ground alone. Reliance has been placed on the judgment of this Court in the case of **Sunil Kumar Yadav Vs. Union of India & Ors.** reported in **2016 (3) PLJR 870**. On perusal of the said judgment it appears that a learned coordinate Bench of this Court has upon going through the judgment of the Hon'ble Apex Court in the case of Union of India Vs. Adani Exports Ltd and Others reported in (2002)1 SCC 567 and the other judgments of this Hon'ble Court in paragraph 35 held as under:-

“In the case of Ram Chandra Singh Vs. The Union of India & Ors. reported in 2003(3) PLJR 479, the matter with regard to territorial jurisdiction of the High Court came up for consideration. In the aforesaid case, the person was employed in security force. A proceeding was initiated against him and ultimately he was awarded a punishment of rigorous imprisonment and was dismissed from service. The order was communicated to the Commandant. The Court held at Headquarter of the BSF at Kupwara is in the State of Jammu & Kashmir. The petitioner of that case filed an appeal before Deputy Inspector General. The rigorous



imprisonment was changed to simple imprisonment but the order of dismissal was maintained. Against that order, he preferred a statutory petition and was informed that his statutory petition has been rejected by the Director General of the Force. The Court considered several judgments such as Naval Kishore Sharma Vs. Union of India and Ors. (1983 BBCJ 23), Rameshwar Prasad Vs. the Union of India and Ors. [2003(2) PLJR 151] and Sunil Kumar Pandey Vs. Union of Indian and Ors. [2001(4) PLJR, 678] and held that mere filing of statutory petition from a place within the State of Bihar and the decision of the said petition being communicated within this State, shall not confer jurisdiction to this Court to entertain the petition.”

Learned counsel for the petitioner is unable to demonstrate from the pleadings in the writ application that any part of the cause of action has arisen within the territorial jurisdiction of this Court. The basic order of punishment as contained in Annexure-1 has been passed by the Commandant, 26th Battalion from his office situated at Chas Bokaro (Jharkhand). The appellate order as contained in Annexure-3 has been passed by the Deputy Inspector General of Police, CRPF from his office situated at Imphal and the revisional order has been passed by the Inspector General of Police, Manipur. Not even infraction of the cause of action has been shown to have taken place within the jurisdiction of this Court. In these circumstances, this Court would uphold the preliminary objection



taken on behalf of the Union of India (CRPF).

The writ application is dismissed as not maintainable.

The petitioner will have an opportunity to agitate his grievance before the appropriate court/forum in accordance with law.

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.07.2018
Transmission Date	N/A

