

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12828 of 2018

Md. Murtaza Imam, son of Md. Manzar Imam, Resident of Village Shahpur Tamauni, Police Station Kajraili, District Bhagalpur, Force No. 085200174 (Now removed from the service), Ist Battalian, C.R.P.F. Neemuch (M.P.)

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Defence, Govt. of India, South Block, New Delhi.
2. The Director, Central Reserve Police Force, New Delhi.
3. The Inspector General, Madhya Pradesh Sector, Central Reserve Police Force, Bhopal (Madhya Pradesh).
4. The Dy. Inspector General, Central Reserve Police Force, Neemuch Range (Madhya Pradesh).
5. The Commandant Ist Battalian, Central Reserve Police Force Neemuch (madhya Pradesh).
6. The Deputy Commandant-cum-Conducting Officer, Ist Battalian, Central Reserve Police Force, Neemuch (Madhya Pradesh).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Najmul Hodda, Adv.
For the Respondent/s	:	Mr. S.D Sanjay (Addl. Soc. Gen.)
		Mr. Satyavrat Verma, CGC

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 04-10-2018

Heard learned counsel for the petitioner and counsel for the Union of India.

In this case, the petitioner, while posted at Neemuch in Madhya Pradesh, a departmental proceeding was initiated against him and ultimately culminated in removal from service on certain charges that the petitioner, without given information to the authority, has entered into the second marriage.

As per petitioner, the copy of order of removal from service was served upon him at Bhagalpur at his native place but, learned counsel for the Union of India submits that the petitioner was posted at Neemuch and the copy was served upon him there.



These are the disputed questions of fact, cannot be examined in the writ jurisdiction and, whereafter, the order of appeal and revision was admittedly served upon him at Bhagalpur and, on that basis, the petitioner is claiming that the part of cause of action has taken place in the State of Bihar.

Learned counsel for the Union of India has placed reliance on the order passed in L.P.A. No. 644 of 2015 wherein identical question had arisen about the person who was posted at Assam in Bongaigaon, there the order of termination was served upon and, later on, he filed the appeal and revision unsuccessfully and both the orders were communicated to him at his native village home in the district of Bhojpur at Ara. The Court held that no cause of action has taken place and refused to entertain the writ application on account of lack of territorial jurisdiction.

In that view of the matter, this Court is not inclined to entertain this writ application on account of lack of territorial jurisdiction and the petition is disposed of.

However, the petitioner will be at liberty to challenge the impugned order before the Madhya Pradesh High Court raising all the plea that has been taken in the present writ application.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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