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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on: 07.03.2018

Pronounced on: 04.06.2018

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.4672 of 2014

R.Paul Varnan

.... Petitioner

Vs.

1.Union of India

Represented by its Secretary to the Government,
Department of Home Affairs, New Delhi.

2.The Director General

CISF Head Quarters,
No.13, C.G.O. Complex,
Lodhi Road, New Delhi - 110 003.

3.The Inspector General,

CISF Head Quarters North Sector,
CISF Campus Saket,
Post: Malviya Nagar, New Delhi 110 017.

4.The Deputy Inspector General,

CISF Head Quarters North Zone-II,
Kareli, Allahabad.

5.The Commandant,

CISF Unit BHEL Haridwar,
Post: Ranipur, District Haridwar.

.... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified mandamus to call for the records relating to the order passed by the third respondent dated 18.07.2013 in his order No.V-11014/Revision-20/Disc/NS/13-6629 confirming the order of the 4th respondent dt. 07.03.2013 in his appellate order No.1209 dt. 07.03.2013 and confirming the order passed by the fifth respondent dated 06.12.2012 in his final order No.V-15014/CISF/BHEL (H)/Disc-36/2012-6991 dated 06.12.2012 and to quash the same and to direct the respondents and to release the increments reduced by the final order of the disciplinary authority.

For Petitioner
For Respondents

: Mr.A.S.Mujibur Rahman
: Mr.C.Nandagopal
(Central Govt.Standing Counsel)

O R D E R



11.08.2012. An enquiry was conducted. Enquiry Officer submitted his report dated 05.11.2012 holding that the petitioner was guilty of charge No.1 framed against him. He was therefore imposed with the penalty of reduction of pay for a period of two years with cumulative effect. Aggreived by the said final order dated 06.12.2012, the petitioner preferred an appeal before the Appellate Authority. The Appellate Authority passed an order dated 07.03.2013 rejecting the appeal. Questioning the same, the petitioner moved a revision. The Revisional Authority also confirmed punishment awarded by the disciplinary authority and upheld by the Appellate Authority. Challenging these orders, the present Writ Petition has been filed.

2. The learned counsel appearing for the petitioner addressed elaborate submissions and also placed reliance on the order dated 08.10.2009 passed by the Principal Bench of this Court in W.P.No.2602 of 2009. He thus questioned the very jurisdiction in passing the impugned orders.

3. This Court is unable to enter into the merits of the submissions. It is seen that the cause of action did not arise within the territorial jurisdiction of this Court. The disciplinary authority as well as the Appellate Authority are outside the territorial jurisdiction of this Court. This Court can intervene only if it is shown that the cause of action arose within the territorial limits of this Court.

4. In the final paragraph of the affidavit filed in support of this writ petition, the petitioner has mentioned that the charge memo was served on him through post at Manali at Tamilnadu by the fifth respondent. His contention is that therefore part of the cause of action arose within the territorial jurisdiction of this court. Mere service of the charge memo at the residential address of the petitioner will not confer jurisdiction on this Court. The misconduct in question is what that would determine cause of action in this case. That did not arise herein. The authorities are also not within the jurisdiction of this court. Therefore, this Court is of the view that this writ petition itself is not maintainable.

5. It is open to the writ petitioner to challenge the impugned orders before the appropriate High Court having territorial jurisdiction. It is needless to mention that the petitioner would be entitled to the benefit of Section 14 of the Limitation Act. Time spent in prosecuting this writ petition will ofcourse have to be excluded and the petitioner cannot be nonsuited on the ground of laches, if the petitioner moves the concerned High Court having jurisdiction of the matter within a period of 12 weeks from the date of receipt of a copy of this order. The Registry is also directed to return the impugned orders in original.



6. In the result, the Writ Petition is dismissed as not maintainable. No costs.

Sd/-
Assistant Registrar(P&A)

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/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary to the Government,
Union of India,Department of Home Affairs,New Delhi.
- 2.The Director General,CISF Head Quarters,No.13, C.G.O. Comple, Lodhi Road,New Delhi - 110 003.
- 3.The Inspector General,CISF Head Quarters North Sector,
CISF Campus Saket,Post: Malviya Nagar,New Delhi 110 017.
- 4.The Deputy Inspector General,CISF Head Quarters North Zone-II,
Kareli Allahabad.
- 5.The Commandant,CISF Unit BHEL Haridwar,Post: Ranipur,
District Haridwar.

Copy to

The Section Officer,
Writ Section,
Madurai Bench of Madras High court,
Madurai.

+1cc to Mr.A.S.Mujibur Rahman, Advocate Sr.No.66557
+1cc to Mr.C.Nandagopal, Advocate Sr.No.66899

CM

VB/PN/SAR4/10.07.2018/3P/9C

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04.06.2018