



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANW.P. (MD) No. 4598 of 2015andM.P (MD) No. 1 of 2015

WEB COPY

S.David Dennison
No.822260150, Ex-Constable
CISF Unit LPSC- Valiamala
Residing at Kannang Cadu
Azhagan Parai PO
Kanyakumari 629 252,
Tamil Nadu.

... Petitioner

Vs.

- 1.The Inspector General/SS
Office of the Inspector General
Central Industrial Security Force,
(Ministry of Home Affairs)
(CISF SS HQRS)
Chennai.
- 2.The Deputy Inspector General,
Central Industrial Security Force,
DOS HQRS, Bangalore.
- 3.Disciplinary Authority,
Senior Commandant,
Central Industrial Security Force Unit,
VSSC Thumba.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 3rd respondent in Final Order No. V-15014/CISF/VSSC/ DISC/SDD/2012/5960 dated 06.08.2012 as confirmed by the 2nd respondent in impugned proceedings No.V-11014/CISF/DOS/Appeal-SDD/2012/2578 dated 14.9.2012 and finally confirmed by the 1st respondent in No.V-15014/L&R/SS/Rev/LB/2011-466 dated 12.12.2012 and consequently direct the respondents herein to reinstate the petitioner in service from 11.5.2012 with all monetary benefits.

For Petitioner : Mr.C.Christopher

For Respondents : Mr.D.Saravanan
Central Govt. Standing Counsel

O R D E R

The petitioner was employed in Central Industrial Security Force as 'Constable'. When he was working at Valiyamala, which is in State of Kerala, he was charged with certain acts of delinquency. Finally, by order dated 06.08.2012, the third respondent imposed the punishment of compulsory retirement from service with full pensionary benefits. This was challenged by the petitioner before the second respondent, who confirmed the same by an order dated 14.09.2012. The first respondent also confirmed the order passed by the second and third respondents. All these three orders are challenged in this writ petition.

2. When the matter was taken up for final disposal, the learned Central Government Standing Counsel appearing for the respondents pointed out that the entire cause of action arose within the State of Kerala, therefore, this Court would not have territorial jurisdiction to entertain the writ petition.

3. Per contra, the learned counsel appearing for the writ petitioner pointed out that the petitioner is presently residing at Kanyakumari and that is why he moved the Madurai Bench of Madras High Court.

4. The current residence of the petitioner cannot determine the territorial jurisdiction of the Court. When admittedly the entire part of the cause of action did not arise within the territorial limits of this Court, the petitioner could not have filed the present writ petition. Hence, this writ petition is liable to be dismissed as not maintainable only on the ground of want of territorial jurisdiction. This Court has not ventured into the merits of the matter.

5. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

+One cc to Mr.C.Christopher, Advocate, SR.No.50133

+One cc to Mr.D.Saravanan, Advocate, SR.No.50001

skn

RL/3C/2P/SV/MMS/SAR4/6/3/2018

W.P.(MD)No.4598 of 2015

and
M.P(MD)No.1 of 2015

20.02.2018