

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

Date of Order: March 14, 2018

+ **W.P.(C) 2387/2018**

AJAY MEHROTRA Petitioner

Through: Mr.Ajay Bharti and Mr.Vijay Kumar,
Advocates

versus

MANAGEMENT DEVELOPMENT INSTITUTE,
(MDI) AND ORS. Respondents

Through: Mr.Rajat Arora, Advocate for R-1 and R-
5
Mr.Ashim Sood, CGSC and Ms.Payal
Chandra, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Impugned order of 14th February, 2017 (*Annexure P-18*) inflicts penalty of dismissal from service upon petitioner and the Appellate Authority vide order of 22nd September, 2017 (*Annexure P-20*) dismisses petitioner's appeal. Thereafter, petitioner had sought review of the penalty which also stands declined vide order of 4th November, 2017 (*Annexure P-22*).

2. At the outset, there is an objection of territorial jurisdiction raised

by counsel for first and fifth respondent. It is pointed out that petitioner was working as Administrative Officer in the respondent-Institute in Gurgaon when he was departmentally proceeded against and the Disciplinary Authority of respondent-Institute is also located in Gurgaon, Haryana. It is further pointed out that Appellate Order (*Annexure P-20*) has been also passed in Gurgaon and there is no provision of filing a review. So, it is submitted by learned counsel for first and fifth respondent that petitioner ought to approach the court of competent territorial jurisdiction to seek the relief as sought in this petition. To submit so, reliance is placed upon a Division Bench decision of this Court in *Bernard D'mello Vs. Industrial Finance Corpn. Ltd.* 2006 (92) DRJ 739.

3. Learned counsel for petitioner submits that it is evident from the suspension order that petitioner during the period of his suspension was required to report in the Delhi office of respondent-Institute. Petitioner's counsel places reliance upon a Division Bench decision of this Court in *Dr.Mukul Gupta Vs. Management Development Institute & Anr.* (2015) 219 DLT 321 (DB) to submit that in case of respondent-Institute, it has been held that this Court would have jurisdiction to entertain the writ petition.

4. To rebut the aforesaid stand, learned counsel for respondent-Institute submits that the decision in *Dr.Mukul Gupta* (supra) is of no avail as in the said case, decision to terminate the service was taken by the Board at Delhi and whereas in the instant case, the entire cause of

action has arisen in Gurgaon, Haryana.

5. Upon hearing and on perusal of impugned order, material on record and the decisions cited, I find that merely because registered office of respondent is in Delhi, it would not vest this Court with the jurisdiction to entertain this petition as substantial cause of action had arisen in Gurgaon. Not only termination order but even the Appellate Order has been passed by the Competent Authority at Gurgaon. The rationale to ask petitioner to report in the Delhi office during the period of suspension is that the complainant and the delinquent officer may not be at one station in the instant case which relates to sexual harassment at work place.

6. In view of the decision in *Bernard D'mello* (supra), it is declared that this Court does not have territorial jurisdiction to entertain this petition. The decision in *Dr. Mukul Gupta* (supra) is distinguishable as in the said decision, the termination order was passed in Delhi whereas in the instant case, it has been passed in Gurgaon, Haryana.

7. In view of the aforesaid, this petition is not entertained with liberty to petitioner to approach the court of competent territorial jurisdiction.

(SUNIL GAUR)
JUDGE

MARCH 14, 2018

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