

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12767 of 2018

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Surendra Prasad S/o Late Ramchandra Prasad, at and Post- Kathia Mathia,
Dist.- West Champaran.

... .. Petitioner/s

Versus

1. The Union Of India
2. The Chairman cum Managing Director, Food Corporation of India, 16-B, Barakhambha Lane, New Delhi.
3. Executive Director, East Zone, Food Corporation of India, 10-A, Middleton, Row, Kolkata- 7.
4. General Manager, West Bengal Region, Food Corporation of India, 6 Royal Street, Kolkata W.B..
5. General Manager Region, Food Corporation of India, Arunachal, Building, Exhibition Road, Patna Bi
6. Area Manager, Food Corporation of India, At and Post- Suri, Dist.- Birbhum, Pin- 731101 W.B..
7. Dy. Chief Labour Commissioner Central Asansol, West Bengal.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjan Sahay, Advocate
		Mr. Dwivedy Surendra, Advocate
For the Respondent/s	:	Mr. Prabhakar Tekriwal, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
CAV JUDGMENT

Date : 05-11-2020

1. Heard learned counsel for the petitioner and learned counsel for the respondents, through video conferencing.

2. The petitioner has filed the instant application for quashing the order dated 16.3.2018 passed by the Deputy Chief Labour Commissioner (Central) Asansol, West Bengal in Appeal No. 23/17-E, whereby and whereunder, the claim of the petitioner for gratuity was rejected, for commanding the respondents to allow the gratuity amount for which the petitioner is entitled and for all



other reliefs to which the petitioner is found entitled in the instant case.

3. The case of the petitioner is that he joined Food Corporation of India (herein after referred to as 'the FCI') as A.G.-III (D) on 31.1.1978, was subsequently promoted to the rank to A.G.-II (D) and in the year 2001 to A.G.-I (D). He superannuated on 30.11.2013. In the year 2012 while posted and functioning as the Depot Incharge/ overall incharge of two sheds at F.S.D., Chanpatia, a physical verification was conducted by a team of officials of the District Office, F.C.I., Champaran (Motihari), Regional Office, Patna and Zonal Office, Kolkata. In the said physical verification a shortage of food grains was detected. An audit of accounts of the depot was conducted by a team of F.C.I, Zonal Office, Kolkata and F.C.I. Headquarters, New Delhi. After the physical verification and audit of accounts, the petitioner and other officials were placed under suspension on 1.6.2012 and the petitioner's suspension was revoked on 17.10.2012. On his suspension being revoked, the petitioner was posted at F.C.I., district office, Suri (West Bengal) and thereafter in depot Abdarpur in West Bengal. A charge-sheet dated 19.1.2013 was issued and departmental proceeding started. The petitioner superannuated from service on 30.11.2013. On receiving the enquiry report, by



order dated 31.8.2015, the disciplinary authority imposed penalty on the petitioner of reduction of rank to A.G.-III (D) along with recovery of Rs. 1,00,000/- (Rupees One lakh only) from the retiral dues of the petitioner, other than gratuity.

4. It is the further case of the petitioner that not having received the amount due under the head of gratuity, he approached the Regional Labour Commissioner, (Central) Kolkata for payment of gratuity to the tune of Rs. 10,00,000/- (Rupees Ten lacs). The Regional Labour Commissioner transferred his petition to the Assistant Labour Commissioner, Raniganj/Durgapur (West Bengal). The Assistant Labour Commissioner after hearing the parties, by his order dated 18.5.2017 directed for payment of gratuity to the extent of Rs.3,48,358/- to the petitioner. Against the order of the Assistant Labour Commissioner, the F.C.I preferred an appeal before the Deputy Chief Labour Commissioner, Asansol (West Bengal), which was allowed by order dated 16.3.2018, the order of the Assistant Labour Commissioner/Controlling Authority was set aside and the claim of the petitioner for gratuity of Rs. 10 lac plus interest @ 12% per annum was rejected.

5. It is against this order dated 16.3.2018 passed by the Appellate Authority that the instant writ application has been preferred.



6. A counter affidavit was filed on behalf of the respondent nos. 1 to 4, 6 and 7. The stand of the F.C.I. in the counter affidavit was that the petitioner was posted under the Area Manager, F.C.I, Birbhum (West Bengal), from where he superannuated and at the time of superannuation he was not within the jurisdiction of Bihar. The writ petition filed by the petitioner was not maintainable in the High Court at Patna, as the cause of action arose beyond the jurisdiction of this Court. The impugned order under challenge was passed by the Deputy Chief Labour Commissioner (Central), Asansol which was in the State of West Bengal and for this reason also the writ petition was not maintainable here. It was further contended that the petitioner has suppressed the fact that he superannuated on 30.11.2013 from Birbhum District, West Bengal under the jurisdiction of General Manager (R), West Bengal. The counter affidavit of the F.C.I. proceeded to give paragraph wise reply, the substance of the same being that the appeal had been rightly allowed by the Deputy Chief Labour Commissioner, Asansol, there was no illegality in the order passed by him and, as such, there being no merit in the writ application, the same is fit to be dismissed.

7. A rejoinder was filed on behalf of the petitioner to the counter affidavit of the respondents. In the rejoinder it is stated by



the petitioner that the order passed in the departmental proceeding as well as the order passed by the Deputy Chief Labour Commissioner (Central), Asansol, West Bengal were both served on the petitioner at his residential address in Bihar. This was after a long gap of retirement. It was submitted that although the official address of the controlling authority as well as the appellate authority were of West Bengal, the order passed in the departmental proceeding was by the concerned officer working under the General Manager (Regional) Bihar at Patna, so he has rightly been made a party respondent no.5. In his rejoinder the petitioner proceeded to make his contentions on merits of the case referring to section 13 and 13(a) of the Payment of the Gratuity Act.

8. Heard Mr. Rajan Sahay, learned counsel appearing for the petitioner and Mr. Prabhakar Tekriwal learned counsel appearing for the F.C.I..

9. It was submitted by learned counsel for the petitioner that the petitioner retired on 30.11.2013 and settled down at his residence in District West Champaran in the State of Bihar. All the three orders i.e. the order dated 31.8.2015 (Annexure-1) passed by the General Manager, FCI, Regional Office, Patna, whereby the penalty was imposed on the petitioner in the departmental



proceeding, the order dated 18.5.2017 (Annexure-2) whereby the Controlling Authority/Assistant Labour Commissioner (C), Raniganj at Durgapur directed the employer F.C.I to make payment of gratuity of Rs. 3,48,358/- to the petitioner within 30 days and the order dated 16.3.2018 (Annexure-3) passed by the Appellate Authority/Deputy Chief Labour Commissioner, whereby the order of the Controlling Authority was set aside, were all communicated to the petitioner at his residence in Bihar. It was submitted that besides the service of the above letters which gives cause of action to the petitioner in the State of Bihar, section 20(c) of the Code of Civil Procedure ('the Code' in short) provides that a suit shall be instituted in a Court within the local limits of whose jurisdiction the cause of action wholly or in part arise. Further referring to the explanation provided in section 20 of the Code, it was submitted that the petitioner having been served with the above orders/communications at his residence in Bihar, at least part of the cause of action, if not the whole, had arisen within the State of Bihar and thus, the Patna High Court would have jurisdiction to hear and decide the matter. The petitioner in support of his contentions relied on the judgment in the case of **Nawal Kishore Sharma vs Union of India and others** [(2014) 9 SCC 329] more particularly paragraph nos. 12 and 17 thereof.



10. On the other hand, it was submitted by learned counsel for the FCI, that the writ petitioner was in service of the F.C.I. in the State of West Bengal. It was in the State of West Bengal itself that a departmental proceeding was initiated against him. Although he retired on 31.1.2013 and may have settled in the State of Bihar, nevertheless much after his retirement in January, 2013, the petitioner filed his application on 28.5.2015 under Rule 10 of the Payment of Gratuity (Central) Rules 1972 before the authority in West Bengal. The application filed by the petitioner was disposed of by order dated 18.5.2017 (Annexure-2) by the Controlling Authority at West Bengal. The appeal against the said order was preferred by the F.C.I in West Bengal. Thus, it was submitted that as has been contended in the counter affidavit filed by the F.C.I., the writ petition would not be maintainable in the Patna High Court. Referring to the case of Nawal Kishore Sharma (supra) it was submitted that the facts of the said case were different from the facts in the instant case and the same was clearly distinguishable. A mere service of notice was not enough and the entire bundle of facts has to be examined to come to the conclusion as to whether a particular Court will or would not have jurisdiction to hear a matter. The learned counsel in support of his contention relied on the judgment in the case of **State of**



Rajasthan and Ors. vs M/s Swaika Properties and another [(1985) 3 SCC 217] and in the case of **Alchemist Limited and another vs State Bank of Sikkim and Ors** [(2007) 11 SCC 335]. He prayed that the instant writ application be dismissed for want of jurisdiction.

11. Having heard learned counsels for the parties the facts which are not in dispute are that while in service in the year 2012 in the State of West Bengal, the petitioner was proceeded against departmentally. In the meantime, he superannuated on 30.11.2013 while working in the rank of A.G.-I (D) in the State of West Bengal. As contended by the petitioner, on his retirement the petitioner settled down at his residential address situated in the State of Bihar. Subsequent to his retirement, the departmental proceeding concluded and the order of punishment dated 31.8.2015 (Annexure-1) whereby the penalty of “reduction to lower post of A.G.-III (D) at minimum of the reduced post of AG-III(D) along with token recovery of Rs.1,00,000/- (Rupees One Lakh only) from the retiral dues other than gratuity” was passed and as per the contention of the petitioner, the same was communicated to him at his residential address in Bihar.

12. It may be mentioned here itself that the order of punishment dated 31.8.2015 (Annexure-1) passed in the



departmental proceeding is not under challenge in the instant writ application.

13. The petitioner having resided in Bihar after his retirement from service on 30.11.2013, and not having been paid his dues under the head of gratuity, filed an application in Form 'N' on 28.5.2015 under Rule 10(1) of the Payment of Gratuity (Central) Rules, 1972 (herein after referred to as 'the 1972 Rules') before the Controlling Authority under the Payment of Gratuity Act, 1972 and Assistant Labour Commissioner (C), Raniganj at Durgapur in the State of West Bengal. The said application of the petitioner was allowed by order dated 18.5.2017 (Annexure-2) directing for payment to the tune of Rs. 3,48,358/- to the petitioner within 30 days. The F.C.I preferred an appeal before the Appellate Authority under the Payment of Gratuity Act, 1972 and Deputy Chief Labour Commissioner (Central), Asansol in the State of West Bengal. The appeal was allowed and the order of the Controlling Authority was set aside. This order dated 16.3.2018 of the Appellate Authority is impugned herein.

14. As pointed out above, much after his retirement and while he was residing in the State of Bihar, the petitioner filed his application under Rule 10(1) of the 1972 Rules before the authority in West Bengal, the same was decided on merits and the



appeal preferred against the same by the F.C.I was allowed after hearing the parties. At the time of hearing before the Controlling Authority while the Manager (Legal) was present on behalf of the FCI, the applicant (writ petitioner) himself was present at Raniganj (West Bengal). Thus, in the opinion of this Court, even if the petitioner as a result of his residence in Bihar had the option of filing his application under Rule 10(1) of the 1972 Rules both in the State of Bihar as also in West Bengal, having chosen to file his application and pursue the same in the State of West Bengal, he cannot now be permitted to contend that the Courts in Bihar would also have the jurisdiction because of his residence here.

15. Article 226 of the Constitution of India deals with the power of the High Court to issue certain writs. Article 226(2) which is relevant for the instant case is being quoted hereinbelow:

“226(2): The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.”



16. Article 226(2) of the Constitution provides that the High Court may exercise jurisdiction in relation to territories within which the cause of action wholly or in part arises.

17. The next question which would thus arise is as to what would be the meaning of cause of action. In this context, it would be relevant to quote paragraph nos. 21 and 23 of the judgment in the case of Alchemist Limited (supra) :

“21. The classic definition of the expression “cause of action” is found in Cooke v. Gill wherein Lord Brett observed:

“ 'Cause of action' means every fact which it would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the court.”

“ 23. Mr. Soli J. Sorabjee, Senior Advocate appearing for the appellant Company placed strong reliance on A.B.C. Laminart (P) Ltd. v. A.P. Agencies and submitted that the High Court had committed an error of law and of jurisdiction in holding that no part of cause of action could be said to have arisen within the territorial jurisdiction of the High Court of Punjab and Haryana. He particularly referred to the following observations: (SCC p. 170, para 12)

“12. A cause of action means every fact, which if traversed, it would be necessary for the plaintiff to prove in order to support his right to a judgment of the court. In other words, it is a bundle of facts which taken with the law applicable to them gives the plaintiff a right to relief against the defendant. It must include some act done by the defendant since in the absence of such an act no cause of



action can possibly accrue. It is not limited to the actual infringement of the right sued on but includes all the material facts on which it is founded. It does not comprise evidence necessary to prove such facts, but every fact necessary for the plaintiff to prove to enable him to obtain a decree. Everything which if not proved would give the defendant a right to immediate judgment must be part of the cause of action. But it has no relation whatever to the defence which may be set up by the defendant nor does it depend upon the character of the relief prayed for by the plaintiff”.

18. Further paragraph nos. 37 and 38 of the judgment of Alchemist Ltd. are also being quoted hereinbelow:

“37. From the aforesaid discussion and keeping in view the ratio laid down in a catena of decisions by this Court, it is clear that for the purpose of deciding whether facts averred by the appellant-petitioner would or would not constitute a part of cause of action, one has to consider whether such fact constitutes a material, essential, or integral part of the cause of action. It is no doubt true that even if a small fraction of the cause of action arises within the jurisdiction of the court, the court would have territorial jurisdiction to entertain the suit/petition. Nevertheless it must be a “part of cause of action”, nothing less than that.

38. In the present case, the facts which have been pleaded by the appellant Company, in our judgment, cannot be said to be essential, integral or material facts so as to constitute a part of “cause of action” within the meaning of Article 226(2) of the



Constitution. The High Court, in our opinion, therefore, was not wrong in dismissing the petition.”

19. The question which would arise in the present case is as to whether service of the order of the Appellate Authority on the petitioner at his residential address in Bihar would be such a material, essential or integral part of the cause of action which would give jurisdiction to the Court at Patna.

20. The Hon’ble Apex Court in the case of **State of Rajasthan and Ors. vs M/s Swaika Properties and another** [(1985) 3 SCC 217] in paragraph no. 8 of the judgment held as follows:

“ ... The mere service of notice under [Section 52\(2\)](#) of the Act on the respondents at their registered office at 18-B, Brabourne Road, Calcutta i.e. within the territorial limits of the State of West Bengal, could not give rise to a cause of action within that territory unless the service of such notice was an integral part of the cause of action. The entire cause of action culminating in the acquisition of the land under [Section 52\(1\)](#) of the Act arose within the State of Rajasthan i.e. within the territorial jurisdiction of the Rajasthan High Court at the Jaipur Bench. The answer to the question whether service of notice is an integral part of the cause of action within the meaning of Article 226(2) of the Constitution must depend upon the nature of the impugned order giving rise to a cause of action. The notification dated February 8, 1984 issued by the State Government under [Section 52\(1\)](#) of the Act became effective the



moment it was published in the official Gazette as thereupon the notified land became vested in the State Government free from all encumbrances. It was not necessary for the respondents to plead the service of notice on them by the Special Officer, Town Planning Department, Jaipur under Section 52(2) for the grant of an appropriate writ, direction or order under Article 226 of the Constitution for quashing the notification issued by the State Government under Section 52(1) of the Act. If the respondents felt aggrieved by the acquisition of their lands situate at Jaipur and wanted to challenge the validity of the notification issued by the State Government of Rajasthan under Section 52(1) of the Act by a petition under Article 226 of the Constitution, the remedy of the respondents for the grant of such relief had to be sought by filing such a petition before the Rajasthan High Court, Jaipur Bench, where the cause of action wholly or in part arose.”

21. So far as the instant case is concerned, the application filed by the petitioner under the 1972 Rules at West Bengal was allowed. The appeal preferred by the FCI before the Appellate Authority was contested by the petitioner but the Appellate Authority allowed the appeal by the order which is impugned in the instant application. The ground raised by the petitioner that the Court at Patna has the jurisdiction to hear the application challenging the order passed by the Appellate Authority is that the petitioner has been residing in Bihar and that the order of the Appellate Authority was communicated to the petitioner at his residence in the State of Bihar. Thus in view of the



judgment of the Hon'ble Supreme Court, the point to be determined is as to whether the nature of the impugned order passed by the Appellate Authority is such that it is an integral part of the cause of action within the meaning of [Article 226\(2\)](#) of the Constitution.

22. In this context, it is relevant to refer to the judgment of this Court in the case of **Uday Prasad Singh vs Union of India** [2014 (3) PLJR 3]. Relying on the judgments in the case of Nand Kishore Singh (supra), the learned judge proceeded to deal with the contention with respect to communication of orders in paragraph no. 21, which is quoted hereinbelow:

*“21. The plea that the order of dismissal merged with the appellate order and finally with the revisional order and, therefore, communication of such orders to the petitioners at their villages home would be an integral part of cause of action is not acceptable to me in view of Division Bench judgement of this court in case of **Nand Kishore Singh vs. Union of India** (supra) since the consequence of communication of such order did not fall at the village home of the petitioners. The consequence of appellate order and revisional order fell the moment they were passed by the concerned authorities and at the respective places where they were passed. In my opinion, there would be difference between the communication of order of dismissal from service upon an employee and communication of the decision on statutory appeal or revision preferred by such employee. Consequence of the order of dismissal will fall only when such order*



is communicated to an employee as communication has the effect of cessation of relationship of employer and employee. It becomes effective only when it is made known to such employee and, therefore, communication of an order of dismissal may also constitute a crucial part of cause of action. This would not be the case with communication of appellate order or revisional order rejecting the appeal or revision against such order of dismissal for the reason that the rejection of such appeal or revision becomes effective the moment it is passed, at the place where such order is passed. I do not agree with the submission that the order of dismissal merged with the order by the appellate authority and the revisional order and, therefore, such orders partake the nature of the original order of dismissal and, therefore, communication of such appellate order would form part integral part of cause of action.”

(emphasis supplied)

23. So far as the facts of the instant case are concerned, the petitioner was proceeded departmentally while still in service. He superannuated from service on 30.11.2013. Subsequently by order dated 31.8.2015, (Annexure-1) the penalty of “reduction to lower post of A.G.-III (D) at minimum of the reduced post of A.G.III (D) along with token recovery of Rs. 1,00,000/- (Rs. One lakh only) from the retiral dues other than gratuity” was imposed on the petitioner. Even if this order of punishment was communicated to the petitioner at his residential address situated in Bihar, it would be important to keep in mind that this order of



punishment is not under challenge in the instant writ application. It was the petitioner, who as per his case while residing in the State of Bihar, chose to file an application on 28.5.2015 in Form 'N' under Rule 10(1) of the 1972 Rules before the Controlling Authority in Raniganj at Durgapur in the State of West Bengal. The application was contested by the FCI and allowed by order dated 18.5.2017 directing the FCI to make payment of gratuity to the tune of Rs. 3,48,358/-. The FCI challenged the said order before the Appellate Authority at Asansol in West Bengal. The said appeal of the F.C.I. was allowed by the Appellate Authority by the order impugned dated 16.3.2018 (Annexure-3). It would be relevant to point out here that the writ petitioner at the stage of hearing of his application was personally present before the Controlling Authority in West Bengal and also contested the appeal preferred by the F.C.I. before the Appellate Authority, also in West Bengal.

24. So far as the answer to the question as to whether service of order of the Appellate Authority on the petitioner at his residential address in Bihar would constitute a material, essential or integral part of the cause of action so as to give jurisdiction to the Court at Patna is concerned, the same has been answered to in clear terms in the judgment of **Swaika Properties** (supra) and



Uday Prasad Singh (supra), the relevant portions of which have been quoted herein above. The order of the Appellate Authority having taken effect immediately on its having been passed in Asansol in West Bengal, in the opinion of the Court, mere communication of the same to the petitioner at his residence in Bihar would not constitute a material, essential or integral part of the cause of action or in effect would not give to the petitioner any part of the cause of action to prefer this application in Patna.

25. The petitioner has placed reliance on the judgment of the Apex Court in the case of **Nawal Kishore Sharma** (supra), the relevant part of paragraph nos. 12 and 17 relied on by the petitioner are being quoted hereinbelow:

“12. In Kusum Ingots & Alloys Ltd. v. Union of India, this Court elaborately discussed clause (2) of Article 226 of the Constitution, particularly the meaning of the word “cause of action” with reference to Section 20(c) and Section 141 of the Code of Civil Procedure and observed: (SCC p. 259, paras 9-10)

“9. Although in view of Section 141 of the Code of Civil Procedure the provisions thereof would not apply to writ proceedings, the phraseology used in Section 20(c) of the Code of Civil Procedure and clause (2) of Article 226, being in pari materia, the decisions of this Court rendered on interpretation of Section 20(c) CPC shall apply to the writ proceedings also. Before proceeding to discuss the matter further it may be pointed



out that the entire bundle of facts pleaded need not constitute a cause of action as what is necessary to be proved before the petitioner can obtain a decree is the material facts. The expression material facts is also known as integral facts.

10. Keeping in view the expressions used in clause (2) of Article 226 of the Constitution of India, indisputably even if a small fraction of cause of action accrues within the jurisdiction of the Court, the Court will have jurisdiction in the matter.”

“17. We have perused the facts pleaded in the writ petition and the documents relied upon by the appellant. Indisputably, the appellant reported sickness on account of various ailments including difficulty in breathing. He was referred to hospital. Consequently, he was signed off for further medical treatment. Finally, the respondent permanently declared the appellant unfit for sea service due to dilated cardiomyopathy (heart muscles disease). As a result, the Shipping Department of the Government of India issued an order on 12-4-2011 cancelling the registration of the appellant as a seaman. A copy of the letter was sent to the appellant at his native place in Bihar where he was staying after he was found medically unfit. It further appears that the appellant sent a representation from his home in the State of Bihar to the respondent claiming disability compensation. The said representation was replied by the respondent, which was addressed to him on his home address in Gaya, Bihar rejecting his claim for disability compensation. It is further evident that when the appellant was signed off and declared medically unfit, he returned back to his home in the District of Gaya, Bihar and, thereafter, he made all claims and filed representation from his home address at Gaya and those letters and represen-



tations were entertained by the respondents and replied and a decision on those representations were communicated to him on his home address in Bihar. Admittedly, the appellant was suffering from serious heart muscles disease (dilated cardiomyopathy) and breathing problem which forced him to stay in his native place, wherefrom he had been making all correspondence with regard to his disability compensation. Prima facie, therefore, considering all the facts together, a part or fraction of cause of action arose within the jurisdiction of the Patna High Court where he received a letter of refusal disentitling him from disability compensation.”

26. In my considered opinion, the facts of the judgments in the case of **Nawal Kishore Sharma** (supra) relied upon by the petitioner is of no assistance to the petitioner as the facts of the present case is clearly distinguishable. In the case of Nawal Kishore Sharma, the appellant therein had been declared unfit for sea service due to his medical condition and was residing in Bihar after he was found medically unfit. He made his representation from his home in Bihar to the respondents claiming disability compensation which was replied to by the respondents by communication addressed to him on his home address in Bihar. The decisions on the claims made by the appellant in his representations were communicated to the appellant at his home address in Bihar and thus the Hon'ble Apex Court held that in the facts of the case a part or fraction of cause of action arose within the jurisdiction of the Patna High Court where he received a letter



of refusal disentitling him from disability compensation. So far as the facts of instant case is concerned, as stated above, the petitioner filed his application subsequent to his retirement before the Controlling Authority in West Bengal, remained personally present before the authority concerned where an order was passed in his favour. The petitioner further contested the appeal preferred by the FCI before the Appellate Authority also in West Bengal where the order of the Controlling Authority was set aside and which the petitioner is challenging in the instant application. The facts of the two cases being clearly distinct from each other, in the opinion of the Court, the judgment in the case of Nawal Kishore Sharma (supra) has no applicability herein and is of no assistance to the petitioner.

27. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the writ application filed by the petitioner is dismissed on the ground that this Court has no jurisdiction to hear the same.

28. However, it may be observed that the Court has not gone into the merits of the case of the parties.

(Partha Sarthy, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	25-06-2020
Uploading Date	11.11.2020
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