

18.12.2020

Ct. No. 24

Item No. 26

pk.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
WPA No. 8766 of 2020

Sephali Roy

-vs-

The Union of India & Ors.

Mr. Suvam Sinha for the petitioner

Mr. Sanjeeb Seni for the respdt. 1, 2 & 7

Mr. Shyamal Chakraborty,
Mr. Kaustuv Krishna Mitra for respondent no. 6

The petitioner is a retired employee of the Export Inspection Agency under the Ministry of Commerce. She retired from service on 28th February 2003 from Cochin. Presently, she wants to switch over from the GPF Scheme to the CPF Scheme.

The petitioner made a representation before the Central Provident Fund Commissioner at Delhi.

The grievance of the petitioner is that her representation is yet to be considered by the respondents.

The learned advocate representing the respondent no. 6 submits that the High Court at Calcutta does not have the territorial jurisdiction to entertain the writ petition as the petitioner retired from Cochin and the authority to consider the issue is located at Delhi. The records of the petitioner, if at all, after long seventeen

years of her retirement will be available at Cochin and not at Calcutta.

It is settled law that the application under Article 226 of the Constitution can be entertained by the court where the integral part of the cause of action arise.

In the instant case it appears that the present cause of action relates to the retirement dues of the petitioner.

The petitioner retired from service in the year 2003 from Cochin. The authority to deal with the grievance of the petitioner is located at Delhi. No part of the cause of action arose within the jurisdiction of the Calcutta High Court.

In view of the above, this writ petition cannot be entertained and the same is hereby dismissed.

Leave is granted to the petitioner to approach the appropriate forum, in accordance with law, if so advised.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)