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W.P.A. 9909 of 2021
IA No. CAN 1/2022

Bhaskar Bhowmick
Vs.
Central Industrial Security Force & Ors.

Ms. Pampa Dey (Dhabal)
...for the petitioner

Mr. Nilanjan Bhattacharjee
Mr. Tapan Bhanja
...for the respondent nos. 1 to 5

Affidavit-in-opposition filed on behalf of the CISF
authority is taken on record.

The writ petition relates to order of punishment
dated 27th November, 2020 passed on completing
disciplinary proceeding initiated against the petitioner
and the order of the Appellate Authority dated 2nd March,
2021 confirming the original order of punishment of the
disciplinary authority.

On perusal of the prayer couched in the writ petition,
it appears that the petitioner being the member of
Central Industrial Security Force (CISF), has questioned
the charge sheet dated 9th June, 2020 as well as orders
of the disciplinary authority dated 27th November, 2020
and the Appellate Authority dated 2nd March, 2021.

The petitioner, in addition to the challenge thrown to
the steps taken by the authorities in order to impose
punishment upon him has also made an alternative
prayer for remitting the matter to the Revisional

Authority for examining the order of the Appellate Authority by preferring revisional application which has been provided under the relevant provisions of the statute.

While answering the point raised on behalf of the respondent authorities with regard to maintainability of the writ petition before this Court on the ground of territorial jurisdiction, it has been submitted on behalf of the petitioner that while the petitioner was posted in Salboni, West Bengal, a complaint was lodged on 16th July, 2019 to the Director General, Central Industrial Security Force, the office of which authority is at Delhi. According to the petitioner, since the complainant was staying in West Bengal, the High Court at Calcutta has territorial jurisdiction to entertain this writ petition.

Mr. Nilanjan Bhattacharjee, learned advocate is representing the CISF authority, has opposed the writ petition on the score that the present writ petition is not maintainable before this Court on the ground of territorial jurisdiction. According to the respondents, charge sheet was issued on 9th June, 2020 by the Commandant, CISF Unit, PPT, Paradip, Odisha and pursuant to said charge sheet, disciplinary proceeding was conducted by the authorities in Odisha and final order of punishment dated 27th November, 2020 was issued by Commandant, CISF Unit, PPT, Paradip. Against such order of punishment dated 27th November, 2020, petitioner preferred a departmental appeal before

the Appellate Authority at Cuttack, Odisha and the said appeal was dismissed vide order dated 2nd March, 2021 confirming the original order of punishment.

This Court has heard the learned advocates representing the parties and examined the materials available on record and also perused pleadings exchanged by the parties.

In order to entertain the present writ petition whereby challenge has been thrown to the disciplinary proceeding initiated against the petitioner by the concerned authority of CISF, this Court is tasked to examine whether the writ petition is maintainable on the ground of territorial jurisdiction, as urged by the respondents. In order to ascertain whether this Court has got territorial jurisdiction, the relevant orders passed by the concerned authorities of CISF have been perused including the charge sheet dated 9th June, 2020. It appears except the complaint dated 16th July, 2019 lodged against the petitioner when he was posted in Salboni, West Bengal, all other orders were issued by the authorities in Odisha.

Moreover, striking feature of this case is the petitioner preferred a departmental appeal questioning the original order of punishment dated 27th November, 2020 before the Appellate Authority at Cuttack, Odisha instead of preferring appeal before the Appellate Authority in West Bengal which goes to show that the

appropriate authorities relating to the cause of action of this writ petition are stationed in Odisha.

In view of aforesaid scenario, it appears that this Court does not have territorial jurisdiction to entertain the writ petition.

Accordingly, the writ petition stands dismissed.

Application pending, if any, also stands dismissed.

However, this order shall not preclude the petitioner to take steps in accordance with law in order to question the order of punishment dated 27th November, 2020 as well as the order of the Appellate Authority dated 2nd March, 2021, if so advised.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)