

21.12.2022.
Court No.21
Item No.15
pk

WPA 28086 of 2022

**Prashant Bajpai
Versus
Coal India Limited & Ors.**

Mr. Biswaroop Bhattacharya,
Ms. Mayuri Ghosh

...for the petitioner.

Mr. Ayan Poddar,
Mr. Ayan Dutta,
Ms. Poulami Bhowmick

... for the respondent nos. 1 to 6.

Affidavit of service filed in Court today be kept
with the records.

In this writ petition, the petitioner challenges an enquiry report dated August 4, 2022 which is passed during the departmental proceedings being held against the writ petitioner. The writ petitioner is serving as an Executive of Central Coal Fields Limited, a subsidiary of Coal India Limited. At present, the petitioner is posted in Jharkhand and the departmental proceedings are being held there. The writ petitioner has filed a previous writ petition being W. P. (S) No. 1876 of 2021 in the High Court of Jharkhand at Ranchi. In an order passed by a Co-ordinate Bench of the High Court of Jharkhand, it was recorded that the writ petition was a pre mature one, since instead of filing a reply to the show cause notice issued in the departmental proceedings, the writ

petitioner has prayed for staying of the departmental proceedings.

Mr. Bhattacharya, learned counsel appears on behalf of the petitioner and submits that the writ petitioner is an employee of Coal India Limited (CIL) and he is only at present posted at Jharkhand and working with the subsidiary/Central Coal Fields Limited. All the promotional policies are guided by the ones of CIL and not of individual subsidiaries. Furthermore, the office of CIL is situated in Kolkata.

He submits that the present writ petition is maintainable since the petitioner is an employee of CIL and the memorandum of charge dated March 20, 2021 has also been served on the General Manager (Personnel), Coal India Limited.

He further submits that the disciplinary proceedings are being held as per Coal India Limited (Control, Discipline and Appeal) Rules.

Mr. Poddar, learned counsel, represents the respondent authorities and submits that this Court does not have the territorial jurisdiction to receive, try and entertain the present writ petition.

This Court finds that the entire disciplinary proceeding is being conducted at Jharkhand and at present the petitioner is stationed at Jharkhand. Hence, no part of cause of action arose in West Bengal. The petitioner also approached the High Court of Jharkhand at Ranchi by filing a previous writ petition.

This Court is inclined to hold that since the entire disciplinary proceedings are conducted in Jharkhand and the petitioner is stationed there, this Court has no territorial jurisdiction to entertain the present writ petition. The writ petitioner should not be permitted to do forum shopping after being initially declined an order by Jharkhand High Court.

With the observations aforesaid, **WPA 28086 of 2022 is dismissed.**

However, it is made clear in the case that the petitioner is so advised, he may approach the appropriate forum for agitation of his grievances on the self same cause of action.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Lapita Banerji, J.)