

LPA-421-2017 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-421-2017 (O&M).
Decided on: August 4, 2022.

Sukhjinder Singh

.. Appellant

VERSUS

Union of India and others

.. Respondents

* * *

CORAM: HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE VIKAS SURI

* * *

PRESENT Ms.Vanita Sapra Kataria, Advocate,
for the appellant.

None for the respondents.

G.S. SANDHAWALIA, J. (ORAL)

CM-877-LPA-2017

Prayer in the present application is for condonation of
delay of 110 days in re-filing the appeal.

For the reasons mentioned in the application, the same is
allowed.

Delay of 110 days in re-filing the appeal is condoned.

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Main case

Present Letters Patent Appeal arises out of the order dated 19.8.2016 of the learned Single Judge passed in the civil writ petition No.7846-2015.

The learned Single Judge has chosen not to entertain the writ petition on the ground that cause of action arose in the State of Bihar and therefore, this Court would not have jurisdiction. The judgment in **Nawal Kishore Sharma Vs. Union of India and others, reported in 2015 (2) SLR 623**, had been relied upon by the appellant which was distinguished. Admittedly, as per the impugned order, the dismissal order of the employee was passed by the Commandant, Arra, Bihar, on account of misconduct which had happened when the appellant was posted in the State of Bihar.

In such circumstances, merely because the appellant has thereafter come and settled in the State of Punjab and has filed the appeal from Punjab would not give him a cause of action to push for his legal redressal in this Court. The Judgment which had been relied upon was of a Seaman who had been found unfit and accordingly, the termination order has been passed and served on the State of Bihar which led to the Hon'ble Apex Court to hold that the jurisdiction would lie with the Hon'ble Patna High Court.

In the present case, as noticed, the misconduct is at Bihar and all disciplinary proceedings were held at Bihar within the territorial jurisdiction of the State of Bihar, and therefore, the cause of action arose in the State of Bihar and reasoning of the learned Single Judge is well justified

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not to entertain the writ petition. Reliance can also be placed upon the Division Bench judgment of this Court in **Gurdial Singh Vs. Food Corporation of India, 2006 (3) SCT 97**. In the said case there was a retirement order from the service prematurely and the employee had been relieved of his duties at Shimla, State of Himachal Pradesh. Merely because he had been served the said order at Naya Gaon, Chandigarh, an effort was made to invoke the jurisdiction of this Court. Resultantly, it was held that mere service of notice would not constitute any part of cause of action to challenge the order of premature retirement. Reliance was placed upon the judgment in **Gurnam Singh Vs. Union of India, 1994 (3) SCT 386**, that mere settling at a place would not constitute any part of cause of action and that the High Courts should not usurp the jurisdiction which they do not have.

Keeping in view the above, we feel that there is no illegality in the order of the learned Single Judge. Accordingly, the appeal is dismissed.

(G.S. SANDHAWALIA)
JUDGE

August 4, 2022.
raj arora

Whether speaking / reasoned
Whether reportable

(VIKAS SURI)
JUDGE
Yes / No
Yes / No