

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3165 of 2018

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Rakesh Kumar Pandey S/o Prabhu Nath Pandey, resident of Village and P.O.-
Balua, P.S.- Maharajganj, District- Siwan Bihar.

... .. Petitioner/s

Versus

1. The Union Of India and Ors
2. The Inspector General of CISF, Ministry of Home Affairs CISF, South Sector Head Quarter, CHPT Campu
3. The Deputy Inspector General of CISF, Ministry of Home Affairs CISF, south Sector, Chennai.
4. The Senior Commandant of CISF, Ministry of Home Affairs, 4th Battalion, Shivgangai Tamil Nadu.
5. The Assistant Commandant of CISF, Ministry of Home Affairs, 4th Battalion, Shivgangai Tamil Nadu.
6. The S.I/Exe PO, 4th Battalion, Shivgangai, Chennai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Babu Nandan Prasad
For the U.O.I.	:	Mr Kumar Priya Ranjan
		Miss. Nirmala Singh, Adv
		Mrs. Girish Nandan Abhisek
		Mr. Vibhuti Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 22-11-2023

I.A. No. 01 of 2023.

1. Counsel for the petitioner submits that during the pendency of the writ petition, the sole petitioner died leaving behind his widow wife, two daughters and one son whose names and detailed address has been mentioned in Paragraph 3 of the I.A. petition.

2. Counsel for the Union of India had no objection for this.



3. In this background, I.A. No. 01 of 2023 is allowed. Office is directed to add the names of heirs and legal representatives as mentioned in Paragraph 3 of the I.A. petition in the main writ petition as well as the cause title of the order sheets.

C.W.J.C. No. 3165 of 2018

4. Counsel for petitioner submits that the petitioner was HC/Driver posted at Chennai and departmental proceeding has been initiated against him which resulted into dismissal from service. Subsequently, appeal has been preferred which was also dismissed. The said order has also been challenged in the Revision. All the three orders i.e. original order, appellate order and the revisional order has been challenged before this Court.

5. Counsel for Union raised preliminary objection about maintainability of the writ petition on the territorial ground that petitioner was working within the jurisdiction of TamilNadu and the departmental proceeding was also conducted in the State of TamilNadu. Final order has also been passed within the said territory.

6. Counsel relied on two decision of this Court namely ***Sunil Kumar Yadav Vs. Union of India*** (C.W.J.C. No.



2998 of 2013) vide order dated 17.05.2016 and subsequently the case of Md. Jameel Haque Vs. Union of India in C.W.J.C. No. 19466 of 2015 order dated 19.04.2016.

7. Upon perusal and submissions made by the parties, It transpires to this Court that entire departmental proceeding was carried out within the jurisdiction of TamilNadu and its appellate and revision forum. Only communication has been made to the petitioner who is originally resident of Bihar.

8. It transpires to this Court that mere communication of the letters shall not create cause of action and therefore, this writ petition is not maintainable within the territory of Patna but petitioner is given liberty to move before the appropriate Court to challenge this writ petition.

9. With this direction, this writ petition stands disposed of.

(Dr. Anshuman, J)

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