

**WPA 6905 of 2023**

**Shankar Dayal Poddar**  
**Vs.**  
**The Union of India & Ors.**

Mr. Radramohan Ray

....for the petitioner

Mr. Kumaresh Dalal

Mr. Tirtha Pati Acharyya

...for the Union of India

A copy of the written instruction as handed over in Court today by the respondent authorities is retained with the records.

The petitioner has challenged an order of penalty dated January 14, 2022. The petitioner was working in the rank of Constable with the Central Industrial Security Force (CISF) at the Fire Service Training Institute (FSTI), Hyderabad. The petitioner was charge-sheeted on September 1, 2021 due to indecent, undesirable acts and gross misconduct due to which disciplinary action was decided to be taken against him. The petitioner filed a writ petition being WP No. 25825 of 2021 on or about October 18, 2021 in the High Court for the State of Telengana, challenging the said charge-sheet. He prayed for stay of the enquiry proceedings due to the pendency of the criminal proceedings before the 7<sup>th</sup> Court, Metropolitan

Magistrate, LB Nagar vide Criminal Case No. 1008 of 2021. The said writ petition is pending.

Thereafter, the petitioner again filed another writ petition being WP No. 6565 of 2022 on or about February 4, 2022 against a minor penalty passed under Rule 37 for arguing with the doctors and for creating an unpleasant situation at the hospital. Said writ petition is also pending before the High Court for the State of Telengana.

The petitioner has also prayed for reimbursement of the medical bills for his mother's treatment in the writ petition being WP 9407 of 2022 filed on or about June 13, 2022 before this Hon'ble High Court.

The petitioner was removed from service by the final order dated January 14, 2022. The petitioner has preferred an appeal from the final order before the appellate authority which was also rejected on April 7, 2022.

The petitioner has now filed the instant writ petition before the High Court at Calcutta challenging the order dated January 14, 2022.

Mr. Ray, learned counsel appears on behalf of the petitioner and submits that since the Co-ordinate Bench directed the petitioner's representation /claim with regard to medical bills to be considered, this

Court has jurisdiction to receive, try and entertain the present writ petition.

Mr. Dalal, learned counsel appearing on behalf of the Union of India submits that this Court has no territorial jurisdiction to entertain the present writ petition.

Considering the rival submissions of the parties and the materials placed on records, this Court is of the view that the entire cause of action as arisen in Hyderabad where the petitioner was posted during the purported misconduct. The disciplinary proceedings were conducted in Hyderabad. The petitioner has also challenged the charge-sheet issued in the disciplinary proceedings in WP No. 25825 of 2021 before the High Court for the State of Telengana. The said fact has not been brought on record by the petitioner while filing the present writ petition.

Relying on a decision of a Co-ordinate Bench reported in (2003) 2 CHN 502 (**Sukanta Mitra -Vs.- Union of India & Ors.**) this Court is of the view that it has no territorial jurisdiction to receive, try and or entertain the present writ petition. The petitioner will be at liberty to take steps before the appropriate forum on the self same cause of action.

In the light of the discussions above, **WPA 6905 of 2023** is **disposed of**.

Since no affidavits have been called for in the writ petition, the allegations contained therein be deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

**(Lapita Banerji, J)**