

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18858 of 2015

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Deepak Kumar Panday Son of Krishna Panday, R/o Village+Post-Sohagi,
P.S.-Nasari Ganj, District-Rohtas.

... .. Petitioner/s

Versus

1. The Union Of India.
2. The Director General of Police, B.S.F., New Delhi.
3. The A.D.G. of Police, B.S.F., New Delhi.
4. The Inspector General of Police, Frontier Head Quarter, Banglor (Karnataka).
5. Commandant, 143 Battalion, B.S.F. Boiparigura, Koraput, ODISHA.
6. The Paresh Nath Pandey, 2nd I/c Offg Commandant, Headquarter 143 BN BSF Badarkha, Parwalia Sadak, Bhopal (MP).
7. Sunil Kumar Behra, Deputy Commandant 143 BN BSF Badarkha, Parwalia Sadak, Bhopal (MP).
8. P.C. Sambal, A.S.I. 143 Battalion BSF Korapur Odisha.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nityanand, Advocate
	:	Mr. Rashmi Kumari Mandilwar
For the Respondent/s	:	Mr. Anshay Bahadur Mathur, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-01-2024 Heard Mr. Nityanand, learned counsel appearing for
the petitioner and Mr. Anshay Bahadur Mathur, learned Central
Government Counsel appearing for the Union of India.

2. This writ application has been filed for the
following reliefs:-

(A) For issuance of appropriate writ/writ for setting
aside the order of punishment dated 04/04/2015 passed by 2nd
I/C offg. Commandant 141 BN BSF without proper inquiry and
verification, whereby and where under petitioner was directed to
pay and allowance including ration money allowance for the



period of 28 days R1 w.e.f. 04/04/2015 to 01/05/2015 be deducted and deposited into Govt. Treasury.

(B) For setting aside the order dated 14/09/2015 passed by Asst. Commandant (Anu) Frontier Head Quarter Sisub (Banglore) where by and where under Punishment order dated 04/04/2015 has been confirmed without considering the facts and circumstances of the case.

(C) For issuance of any other writ order or direction has may be applicable in the fact and circumstance of the case.

3. The petitioner was appointed on 31.03.2008 on the post of Constable in the B.S.F. Thereafter, the petitioner was transferred in Odisha on 12.09.2014 in Teka Head Quarter 143, Bata BSF Boipory Guda Odisha. The impugned order dated 04.04.2015 has been passed by the respondent No.6 at Bhopal (Madhya Pradesh) and the order dated 04.04.2015 confirmed by the Assistant Commandant at Banglore and both the orders were passed in another State.

4. Mr. Anshay Bahadur Mathur, learned Central Government Counsel for the Union of India has raised preliminary objection with regard to the maintainability of the writ application and submits that no cause of action has arisen in the territorial jurisdiction of this Hon'ble Court and only the



petitioner is resident of Bihar and original order was passed in the State of Madhya Pradesh and the appellate order was passed in the State of Karnataka and at the relevant time the petitioner was posted at Odisha and both the orders were communicated to the petitioner at Odisha. Thus, it appears that that no cause of action has arisen in the territorial jurisdiction of this Hon'ble Court and hence this Court do not have territorial jurisdiction and the settled law of proposition that the resident of the petitioner will not confirm under the territorial jurisdiction of this Hon'ble Court.

5. It appears from the aforesaid, no cause of action has arisen in the territorial jurisdiction of this Hon'ble Court.

6. In this view of the matter, this writ application is not maintainable before this Court and for want of jurisdiction, this writ application is dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-

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