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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 4081/2024, CM APPLs. 16688/2024, 16689/2024 &
16690/2024
MADHUWAN SINGH CONSTABLE FITTER BAL NO 115122615
..... Petitioner
Through: Mr. Vaibhav Tripathi, Adv.

versus
UNION OF INDIA AND ORS Respondents
Through: Mr. Jatin Singh, Mr. Keshav Sehgal,
Mr. Shivam Gaur, Mr. Kshitij Joshi
and Mr. Aryan Kumar, Advs. for UOI

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **05.04.2024**

CM APPL. 16689/2024 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 4081/2024, CM APPLs. 16688/2024 & 16690/2024

1. This petition has been filed by the petitioner with the following prayers:

“It is therefore most humbly prayed that the Hon'ble Court may be pleased to:-

i. issue a writ, order or direction in the nature of quashing the impugned termination order dated 11.05.2019 passed by the respondent no.2.

ii. to stay the effect and operation of the impugned termination order dated 11.05.2019 passed by the Respondent no.2 i.e. 29 Batalion, Central Reserve Police Force 56 A.P.O. Srinagar (Jammu & Kashmir) during the pendency of the present Writ Petition.

iii. Pass such other order or direction which this Hon'ble court may deem fit and proper in the interest of justice.



iv. Award the cost of the petition to the petitioner.”

2. The petitioner had earlier approach the High Court of Allahabad vide writ petition No.2861/2021. The same was decided on March 19, 2021 in terms of the following order:

“Heard learned counsel for parties.

Sri Sanjay Kumar Om, learned counsel for the Union respondents has raised a preliminary objection and submits that no part of the cause of action arises within the territorial jurisdiction of this Court. He draw the attention of the Court to the fact that the order of termination had been passed by the respondent posted in the State of Jammu Kashmir and that the revision has been rejected by the respondent at Maharashtra. The petitioner at the relevant time was posted in Rajasthan.

In view of the aforesaid, the writ petition fails and is dismissed. It is left open to the petitioner to approach the appropriate High Court if so chosen and advised.”

3. We note, as per the memo of parties, the petitioner is not a resident of Delhi. Since, the petition filed before the Allahabad High Court has been dismissed by stating that no part of the cause of action arises within the territorial jurisdiction of that Court, inasmuch as the impugned order of termination was passed while the petitioner was posted in the State of Jammu and Kashmir and the Revision Petition was dismissed by the respondents at Maharashtra, the position on maintainability remains the same in this Court, as was before the Allahabad High Court.

4. Appropriate shall be for the petitioner to approach the court of competent jurisdiction. The writ petition and connected application are accordingly closed.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

APRIL 5, 2024/aky