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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 653/2024 & CM APPL. 2939-40/2024

KN MANIYAN

..... Petitioner

Through: Mr. Raghuvendra Mohan Bajaj and
Mr. Shagun Agarwal, Advocates

Versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. Neeraj, Mr. Vedansh and Mr.
Sahaj Garg, Advocates

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

16.01.2024

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(The proceeding has been conducted through Hybrid Mode)

1. The petitioner has filed the present petition seeking the following prayers :-

“(a) Pass an Order directing the Respondent to pass proper and clear directions to IIM, Indore to release salary dues for the period of suspension i.e., 18.05.2012 to 30.09.2014, restoration of annual increments for the period between 2013 to 2015 and other pending benefits at an interest of 18% p.a. from the due date; and/or

(b) Pass any such other order that this Honourable Court may deem fit in the facts and circumstances of the present case.”

2. This Court has perused the entire writ petition along with the prayers as also the documents annexed thereto.

3. It is apparent that the entire and substantial cause of action in respect of his claim raised now, had originally arisen in Indore, Madhya Pradesh. The entire service record as also the disciplinary proceedings and the penalty levied and the reduction of penalty by the



appellate authority also is subject matter of city of Indore. Though no doubt that the Chief Commissioner for Persons with Disability as also the Ministry of Human Resource Development had passed certain orders in his favour in Delhi, however, that by itself would not give substantial cause of action to file a consequential writ petition before this Court.

4. Keeping in view the ratio of Supreme Court in the case of *Kusum Ingots & Alloys Ltd. Vs. Union of India And Another* reported in (2004) 6 SCC 254, this Court is of the considered opinion that even sub Clause (2) of Article 226 of Constitution of India would not come to the aid of the petitioner herein. It is submitted by learned counsel that the petitioner, after retirement, is ordinarily residing in Kerala.

5. In view of the aforesaid observations as also the fact that in the interest of justice, it would be appropriate to direct the petitioner to file the present petition before the High Court having foundational jurisdiction to consider the present writ petition.

6. In view of above, the petition is disposed of with liberty to the petitioner as above.

7. The petition and pending applications also stand disposed of.

8. The petitioner is at liberty to file all or any other additional documents while filing the petition before the appropriate Court.

TUSHAR RAO GEDELA, J

JANUARY 16, 2024/ms

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