

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

Before:

THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

W.P.A. 25156 OF 2025

**SHRI SAMBHU PRASAD SINGH
VS.
UNION OF INDIA & ORS.**

For the Petitioner : Mr. Atin Kumar Majumder
Ms. Ananya Adhikary

For the respondents : Mr. Anil Kumar Gupta

Heard on: 12.11.2025

Judgment on: 12.11.2025

SAUGATA BHATTACHARYYA, J:

1. Petitioner has questioned authority of enquiry officer in terms of Rule 248.1 of the Railway Protection Force Rules, 1987 to conduct enquiry in connection with charge-sheet issued on 6th October, 2025 and it is submitted that without giving opportunity to the petitioner to furnish reply to the charge-sheet dated 6th October, 2025 date of enquiry was fixed by the enquiry officer on 16th October, 2025. In the

writ petition suspension order dated 10th May, 2025 and initiation of departmental proceedings based on charge-sheet dated 6th October, 2025 are also questioned.

2. Learned advocate representing South Eastern Railway has questioned maintainability of this writ petition on the point of jurisdiction. It is submitted that entire cause of action arose in Odisha. Therefore, this Court does not have territorial jurisdiction to entertain this writ petition.

3. On perusal of relevant documents available on record, it appears that petitioner being Head Constable of Railway Protection Force is posted at Tata under Chakradharpur Division of South Eastern Railway. Suspension order dated 10th May, 2025 was issued by the concerned authority of the RPF, South Eastern Railway, Rourkela. Charge-sheet dated 6th October, 2025 was issued by the Senior Divisional Security Commissioner, South Eastern Railway, Chakradharpur, Odisha being Disciplinary Authority. Moreover, Appellate Authority stationed at Chakradharpur, Odisha accepted recommendation of nominated review committee relating to suspension.

4. Court finds based on the submission made on behalf of South Eastern Railway that this Court has no territorial jurisdiction to examine the issue involved in this writ petition taking note of the fact that both suspension order dated 10th May, 2025 and charge-sheet

dated 6th October, 2025 were issued by the concerned authorities of South Eastern Railway whose offices are at Odisha. Moreover, the incident based on which complaint was lodged against the petitioner occurred at a place which is within the state of Odisha as a result whereof criminal case is pending before the learned Special Judge, C.B.I.-I, Bhubaneswar, Odisha.

5. On behalf of the petitioner, reliance is placed on the judgment of the Hon'ble Division Bench reported in **2006 (3) SLR 398 (Kalyan Banerjee Vs. Eastern Coal Fields Limited & Ors.)** but considering the facts of the present case this Court finds that ratio of **Kalyan Banerjee** (supra) does not come in aid of the petitioner.

6. Before parting with it needs to be recorded that primarily petitioner is aggrieved by the charge-sheet dated 6th October, 2025 whereby person who has been appointed as enquiry officer according to the petitioner is not authorized to conduct enquiry in terms of Rule 248.1 of the Railway Protection Force Rules, 1987. Such enquiry is to be conducted at a place which is not within the jurisdiction of this High Court. Therefore, this Court does not find it fit to intervene in said enquiry proceeding on the point of territorial jurisdiction.

7. Hence, it is concluded that this Court does not have territorial jurisdiction to entertain the writ petition.

8. Accordingly, writ petition stands dismissed.

9. However, this order shall not preclude the petitioner to approach the High Court having jurisdiction to examine the issue involved in this writ petition.

10. There shall be, however, no order as to costs.

11. Urgent photostat certified copy of this judgment, if applied for, be given to the parties on usual undertaking.

(SAUGATA BHATTACHARYYA, J.)