

Form No. J.(2)
Item No. DL/6
ARPAN - AR (CT)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. NO. 25744 OF 2025

PRAVIN KUMAR

Vs.

THE COAL INDIA LIMITED & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner : Mr. Partha Ghosh, Adv.
Mr. Amal Kumar Datta, Adv.
Mr. Debashis Das, Adv.
Mr. Bratin Suin, Adv.

For the Respondents : Mr. Susanta Pal, Adv.
Mr. Nikhil Kumar Roy, Adv.

Hearing concluded on : 03.12.2025

Judgment On : 03.12.2025

SAUGATA BHATTACHARYYA, J.:

1. Matter is heard in presence of the learned advocates representing the petitioner and the respondents.
2. A case is made out on behalf of the petitioner that initiation of disciplinary proceeding based on charge-sheet dated 1st April, 2025

against the petitioner would be fatal in view of pendency of criminal proceeding pending before Special Judge, CBI Cases, Dhanbad under Section 7 of Prevention of Corruption Act, 1988. It is agitated that if defence is disclosed in the enquiry in connection with disciplinary proceeding, petitioner would be prejudiced in defending himself in the criminal proceeding pending before the Special Judge, CBI Cases. Hence, prayer is made in this writ petition to stay disciplinary proceeding/enquiry proceeding which is continuing against the petitioner.

3. Mr. Susanta Pal, learned advocate representing the respondents submits that this Court may not have territorial jurisdiction to entertain this writ petition since charge-sheet dated 1st April, 2025 was issued by the Chairman-cum-Managing Director being the disciplinary authority whose office situates at Dhanbad, Jharkhand, who *vide* Office order dated 22nd September, 2025 appointed Inquiry Officer and Presenting Officer in connection with the enquiry proceeding and both the officers are functioning at Dhanbad where enquiry is being conducted.
4. In order to refute the submissions made on behalf of the respondent authorities that this Court does not have territorial jurisdiction to entertain this writ petition, learned advocate representing the petitioner has placed reliance on the judgment of the Hon'ble Supreme Court reported in **(2008) 3 SCC 456 (Eastern Coalfields Limited and Ors. vs. Kalyan Banerjee)**.

5. Reliance is also placed on behalf of the petitioner on sanction order dated 26th December, 2024 issued by the Chief Manager (Personnel), Coal India Limited in order to contend that as formal approval is granted by the said Chief Manager (Personnel), whose office is at Kolkata, to initiate disciplinary proceeding and criminal proceeding against the petitioner, part cause of action arises within the jurisdiction of this Court.
6. Though it is submitted on behalf of the petitioner, in reference to paragraph 5 of ***Kalyan Banerjee (supra)***, that the issue which was considered by the Hon'ble Supreme Court was based on a fact where sanction of the corporate office or head office was not required to be granted but in the present case, such sanction has been accorded by the Chief Manager (Personnel) who functions at Kolkata. Therefore, according to the petitioner ratio of ***Kalyan Banerjee (supra)*** may be applicable in the present case.
7. However, taking note of the relevant facts and the prayer couched in the writ petition, this Court finds it apt to deal with those facts in order to come to a conclusion whether this Court has territorial jurisdiction to entertain this writ petition or not.
8. Basically prayer of the petitioner is confined to stay of enquiry proceeding which has already been initiated against the petitioner based on charge-sheet dated 1st April, 2025 issued by the disciplinary authority from Dhanbad, Jharkhand. The reason to make a prayer to

stay the enquiry proceeding is continuation of criminal proceeding under Prevention of Corruption Act, 1988 before Special Judge, CBI Cases, Dhanbad.

9. According to the petitioner, if defence is disclosed in enquiry in connection with disciplinary proceeding prior to conclusion of criminal proceeding, that will prejudice the petitioner to defend his case before the criminal court. Therefore, entire issue is at present restricted to the criminal proceeding which is pending before Special Judge, CBI Cases, Dhanbad *qua* enquiry proceeding which is pending before the Inquiry Officer who is conducting such enquiry at Dhanbad.
10. Furthermore, formal approval granted by Chief Manager (Personnel), Coal India Limited as contained in sanction order dated 26th December, 2024 is immaterial in order to adjudicate the issue involved in this writ petition as such question of arising part cause of action within the jurisdiction of this Court, does not arise.
11. In ***Kalyan Banerjee*** (*supra*) Hon'ble Supreme Court has relied upon relevant part of ***Kusum Ingots & Alloys Ltd. vs. Union of India*** reported in **(2004) 6 SCC 254**, wherein paragraph 18 it was observed as follows:

“18. The facts pleaded in the writ petition must have a nexus on the basis whereof a prayer can be granted. Those facts which have nothing to do with the prayer made therein cannot be said to give rise to

a cause of action which would confer jurisdiction on the Court.”

12. In view paragraph 18 of **Kusum Ingots** (*supra*) as considered in **Kalyan Banerjee** (*supra*), this Court is required to consider the prayer of the petitioner based on relevant facts only as narrated in the writ petition and not on other facts which have no nexus with the relief sought for in the present case.
13. It has already been discussed above that formal approval granted *vide* sanction order dated 26th December, 2024 issued by Chief Manager (Personnel), Coal India Limited is not a relevant fact in deciding the *lis*.
14. As it is found that enquiry is being conducted at Jharkhand; criminal proceeding is pending before a Special Judge, CBI Cases, Dhanbad at Jharkhand; charge-sheet was issued by the disciplinary authority on 1st April, 2025 from Jharkhand, this Court does not have territorial jurisdiction to entertain this writ petition.
15. Hence, writ petition stands dismissed.
16. There shall be no order as to costs.
17. However, this order shall not preclude the petitioner to approach the appropriate forum in pursuit of his remedy.
18. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)