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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.03.2025

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P Nos.26464 &29311 of 2019

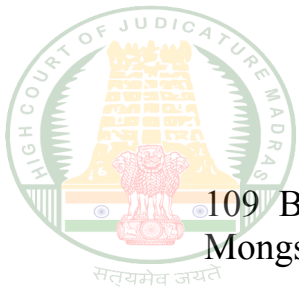
and

WMP.Nos.18673, 18675, 29109 of 2019

S.Anand Kumar
S/o.S.Silvermani,
No.66, 67, Ramasamy Nagar,
Kainoor, Arakkonam,Vellore District-631 003. .. Petitioner in both WPs.

Vs.

- 1 The Union Of India
Rep. By Its Secretary To Government
Ministry Of Home Affairs,
New Delhi-110 001.
- 2 The Director General
Central Reserve Police Force,
Lodhi Road,
Cgo Complex, New Delhi-110 003.
- 3 The Deputy Inspector General
R.A.F-2, Crpf Kendriya Southern,
C-wing, 4th Floor Cbd Bellapur,
Navi Mumbai-400 614.
- 4 The Commandant
97 Battalion Rapid Action Force, Central
Reserve Police Force, Avadi, Chennai-600 065.
- 5 The Commandant,



109 Battalion, Central Reserve Police Force ,
Mongsangel, Imphal, Manipur-795 003. ... Respondents in both WPs.

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Prayer in WP.No.26464/2019: Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of CERTIORARIFIED MANDAMUS to call for the records relating to the order passed by the 4th respondent in his order No.P.III-1/2019-97-PEN dated 13.08.2019 and quash the same and to direct the 5th respondent to pass orders on the representation of the petitioner dated 05.07.2019 for voluntary retirement since the petitioner has completed more than 20 years of qualifying services from the Chennai Unit of 97 Battalian RAF.

Prayer in WP.No.29311/2019: Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of MANDAMUS Forbearing the Respondents from Proceedings with enquiry ordered by the 5th Respondent in his Communication NO G-II-I/2019- VS DATED 26.9.19 Till the final orders passed in the WP. No 26464/2019 pending before this Honble court.

In both WPs.

For Petitioner : Mr. M.MD.Ibrahim Ali

For Respondents : Mr.AR.L.Sundaresan, ASGI for
Mr.T.L.Thirumalaisamy
[CGSC] for RR1 to 5 in WP,26464/2019
: Mr.Subbu Ranga Bharathi,
[CGSC] for RR1 to 5 in WP.29311/2019

COMMON ORDER

Heard Mr.M.MD.Ibrahim Ali, learned counsel for the petitioner and Mr.AR.L.Sundaresan, learned Additional Solicitor General-I for the respondents and perused the materials available on record.



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2. These writ petitions have been filed to call for the records relating to the orders of the 4th respondent dated 13.08.2019 in order No.P.III-1/2019-97-PEN and quash the same and direct the 5th respondent to pass orders on the representation of the petitioner dated 5.7/2019 for voluntary retirement. The other writ petition in WP.No.29311 of 2019 has been filed seeking a writ of mandamus to direct the respondents from forbearing to proceed with the enquiry ordered by the 5th respondent in his communication NO G-II-I/2019- VS, dated 26.9.19 till final orders passed in WP.No.26464/2019.

3. The petitioner who was working in the Central Reserve Police Force and had submitted an application to the 4th respondent with a copy marking to the 5th respondent for permitting him to go on voluntary retirement. The petitioner has got qualifying service to apply for voluntary retirement. As the petitioner has to look after his daughter who is studying 10th standard and his aged mother in the native place. On these grounds, the petitioner has made a request for extension of leave along the with an application for voluntary retirement. But the respondents did not consider the same, and hence the petitioner has filed these writ petitions.

4. The learned counsel for the petitioner submitted that the application for allowing him to go on voluntary retirement on 05.07.2019 to the 5th respondent.

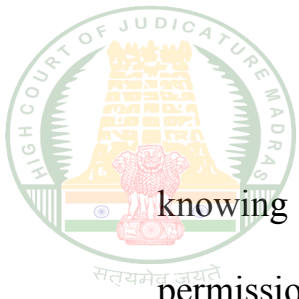


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But the 4th respondent has passed the order stating that he has to send the application only to the 5th respondent, as the petitioner has been already relieved due to transfer from the 4th respondent unit to 5th respondent's 109 Battalion on 09.11.2018. But according to the petitioner, the 4th respondent ought to have passed an order or forwarded the letter to the 5th respondent.

5. Even as per the particulars given by the petitioner in his affidavit, he has admitted that he had been transferred to 109 Battalion, CRPF on 09.11.2018 and that he has sent an application for extension of leave on 26.03.2019 and 07.03.201 to the 5th respondent. But the 5th respondent has sent a communication on 03.12.2018 directing the petitioner to report to duty by not accepting his representation made on 29.11.2018 seeking 50 days Earned Leave.

6. As the petitioner did not join duty on 09.02.2019 also, the 5th respondent is said to have sent an another letter asking the petitioner to join duty along with medical documents. The petitioner keeps on sending communication despite knowing that he is duty bound to join. Further, he got another communication on 18.03.2019 from the 5th respondent to report for duty; as he failed to join duty, the court of enquiry has been ordered and the petitioner was declared as '*deserted*'. The said communication has been sent to the petitioner on 21.06.2019. After



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knowing all these communications the petitioner has sent his application seeking permission to go on voluntary retirement to the 4th respondent, even though he has shown the recipient as the 5th respondent in the application. After the petitioner was relieved from the 4th respondent unit, his service books have been forwarded to the 5th respondent. So the petitioner cannot expect the 4th respondent to act on his application seeking permission to go on voluntary retirement.

7. Mr.AR.L.Sundaresan, learned Additional Solicitor General-I appearing for the respondents submitted that, no cause of action has arisen within the jurisdiction of this Court. The cause of action has arisen at Manipur where 109 battalion unit is situated and hence, this Court has got no territorial jurisdiction to entertain the writ petitions and they are not maintainable.

7.1. Even according to the particulars submitted by the petitioner in his affidavit, he has been asked through the several communications of the 5th respondent to report for duty. The petitioner was also sending communications to the 5th respondent about his inability to join or for seeking leave. The other writ petition has been filed by the petitioner seeking to stop further proceedings in pursuant to the 5th respondents communication dated 26.9.2019 in communication No.G-II-I/2019- VS, dated 26.9.19 till final orders passed in WP.No.26464/2019.

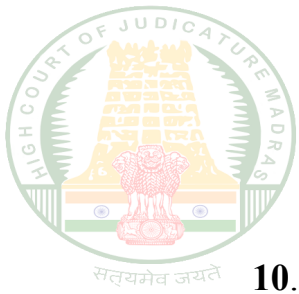


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As the petitioners know very well that even the cause of action for that communication does not lie within the territorial jurisdiction of this court, where he has filed this writ petition.

8. The learned counsel for the petitioner submitted that if a part of cause of action arises within the territorial jurisdiction of this Court, the Court can invoke the jurisdiction under Article 226 of the Constitution of India. He has further submitted that even if a person resides outside the jurisdiction, the high court can still issue a writ when the cause of action wholly or partially arises within in the jurisdiction. In the instant case, the petitioner is said to have been residing at Chennai, none of the cause of action has arisen within the territorial jurisdiction of this Court.

9. Even if the petitioner's contention that if a person against whom a writ is issued is located outside the jurisdiction of the court, it has to be shown *prima facie* that cause of action to maintain the writ is either partially or fully has arisen within the territorial jurisdiction of this Court. Once the petitioner had relieved from the 4th respondent unit and has been transferred to the 5th respondent 109 battalion CRPF, none of the cause of action concerning the communications between 5th respondent has arisen within the jurisdiction of this Court.



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10. It might be possible that the petitioner could have initiated communication with the 5th respondent by being residing at Chennai. The petitioner has challenged only the proceeding and the orders of the authorities who are the respondents and that has got no connection with the territorial jurisdiction of this Court. So far as the 4th respondents communication is concerned , it is only an information given to the petitioner stating that he has to invoke the jurisdiction of the 5th respondent battalion and the petitioner has been relieved from the 4th respondent unit.

11. Even according to the petitioner, he is not serving in the 4th respondents unit and he has already been transferred in the year 2018 to the 5th respondent unit. Hence the impugned communication does not amount to any order which might cause prejudice to the petitioner. It seems that the petitioner had invited the communication just to invoke the jurisdiction of this court as though the petitioner has got the cause of action within the jurisdiction of this Court. As the writ petition filed by the petitioner themselves are not maintainable for want of jurisdiction, they are liable to be dismissed.

In view of the same, these writ petitions are **dismissed**. No costs. There



shall be no order as to costs. Consequently, the connected miscellaneous petition is also closed.

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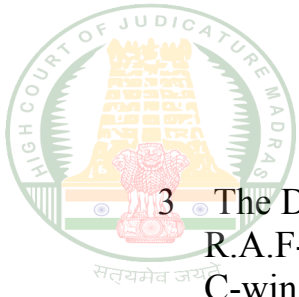
13.03.2025

Index : Yes
Internet : Yes/No
Speaking : Non-Speaking order
Neutral: Yes/ No
jrs

To

- 1 The Secretary To Government
Union Of India
Ministry Of Home Affairs,
New Delhi-110 001.
- 2 The Director General
Central Reserve Police Force,
Lodhi Road,
Cgo Complex, New Delhi-110 003.

8/10



3 The Deputy Inspector General
R.A.F-2, Crpf Kendriya Southern,
C-wing, 4th Floor Cbd Bellapur,
Navi Mumbai-400 614.

4 The Commandant
97 Battalion Rapid Action Force, Central
Reserve Police Force, Avadi, Chennai-600 065.

5 The Commandant,
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