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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 145/2025**
HAV (DMT) SANJAY KUMAR TIWARI.....Petitioner
Through: Mr. AjitKakkar, Adv.

versus

UNION OF INDIA AND ORSRespondents
Through: Mr. Sahaj Garg, SPC with Mr.
Ankur Yadav, Adv.
Maj. Anish Muralidhar, Army

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

% **ORDER**
09.01.2025

1. This petition has been filed by the petitioner, praying for the following reliefs:-

“(a) To issue Writ in the nature of Certiorarito set aside/quash the Tentative Chargesheet dated 02.02.2024.

(b) To issue Writ in the nature of Mandamus directing the respondents to produce on record all the documents pertaining to the disciplinary case of the petitioner.

(c) To issue Writ in the nature of Mandamus directing the respondents to set aside the punishments given to the petitioner in pursuance of the Charge sheet dated 02.02.2024.

(d) To issue Writ in the nature of Mandamus directing the respondents to set aside the punishment of severe reprimand and restore the seniority of the petitioner along with all consequential benefits.

(e) To issue Writ in the nature of Mandamus directing the respondents to refund the 14 days pay



fine, that was arbitrarily deducted from the pay of the petitioner.”

2. Mr. Sahaj Garg, the learned counsel for the respondents, who appears on advance notice of this petition, submits that the Impugned Charge Sheet was issued and the impugned Summary Trial under Section 80 of the Army Act, 1950, conducted in the Union Territory of Jammu and Kashmir.

3. In view of the above, we find that no part of the cause of action has arisen within the territorial jurisdiction of this Court. Merely because the respondents are situated in Delhi, would not make this Court *forum conveniens* for entertaining the present petition.

4. Accordingly, the petition is dismissed, reserving liberty of the petitioner to avail of his remedy in accordance with law before the Court of competent jurisdiction.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 9, 2025
SU/F/IK

Click here to check corrigendum, if any