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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 15.01.2025***+ **W.P.(C) 436/2025****ARBIND YADAV EX CT GD UIN 1191774Petitioner****Through: Mr. Bharat Singh, Adv.****versus****UNION OF INDIA AND ORSRespondents****Through: Mr. Abdhesh Chaudhary,
CGSC with Ms. Geetanjali,
Adv.****CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****NAVIN CHAWLA, J. (ORAL)****CM APPL. 2118/2025 (exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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

“A. To issue a writ order or direction in the nature of certiorari quashing and setting aside the impugned termination order issued by Commandant 22 Bn SSB, Maharajganj (holding the statutory power of 09 Bn SSB, vide dated 16.11.2023, DIG Order dated 03.04.2024 (Annexure-P/1Colly).

B. To issue a writ order or direction in the nature of certiorari quashing and setting aside Rule 23 of the SSB



Rule 2009, violating PNJ, which does not afford the right to cross-examination and offer the appreciation of evidence by way of full trail/ PFC/SFC/etc, being ultravires and unconstitutional.

C. To issue a writ order or direction in the nature of mandamus commanding the respondents to re-instate the petitioner in service forthwith consequential benefits w.e.f. 17.11.2023 along with financial benefits/entitlements @ 18% per annum till date of realization of actual payment.

D. To issue any other Writ Order/Direction as this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the case.

E. Award the cost of the petition to the petitioner throughout."

4. The Impugned Order dated 16.11.2023, terminating the service of the petitioner, has been passed by the Commandant, 9th Battalion, Sashastra Seema Bal ("SSB"), Balrampur, Uttar Pradesh. The appeal thereagainst, has also been rejected by the Deputy Inspector General, Gorakhpur, Bargadwa, Uttar Pradesh, *vide* the Order dated 03.04.2024. The petitioner himself is not a resident of Delhi.

5. We, therefore, enquired from the petitioner as to why this petition has been filed before this Court. He submits that the petition has been filed before this Court as the office of the Director General, SSB and the Ministry of Home Affair is situated at Delhi.

6. It is trite law that "cause of action" means a bundle of facts which are necessary for the petitioner to prove in order to succeed in the proceedings. It does not completely depend upon a character of the relief prayed for by the petitioner. A small part of the cause of action arising within the territorial jurisdiction of a High Court may not be considered as a determinative factor, compelling the High Court to decide the matter on its own merits. In such a case, the doctrine of



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forum non conveniens shall apply.

7. As noted hereinabove, in the present case, the Impugned Order has been passed by the Commandant, 9th Battalion, SSB, Balrampur, Uttar Pradesh, and the appeal thereagainst has also been rejected by the Deputy Inspector General, Gorakhpur, Bargadwa, Uttar Pradesh. Therefore, the cause of action has arisen at Uttar Pradesh. Merely because the office of the Director General, SSB and the Ministry of Home Affairs is situated at Delhi, it will not make this Court a *forum conveniens*.

8. Applying the principle of the doctrine of *forum non conveniens*, therefore, we are of the opinion that this Court would not be the appropriate/convenient Forum to adjudicate on the grievance raised by the petitioner.

9. Accordingly, we decline to entertain the present petition in exercise of the discretion vested in us under Article 226 of the Constitution of India.

10. The petition is, accordingly, dismissed, while reserving the liberty of the petitioner to approach the jurisdictional High Court.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 15, 2025/ss/sk/IK

Click here to check corrigendum, if any