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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11489/2018

RADHA RAMAN THAKUR

.....Petitioner

Through: Mr. Feroze Ahmad, Mr. R.S. Sharma, Advocates.

versus

UNION OF INDIA & ORS

.....Respondent

Through: Mr. Gyan Prakash, Ms. Neeraj, Mr. Vaibhav Raj, Advocates for R-2.
Mr. Shovan Mishra, Ms. Bipasa Tripathy, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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27.05.2025

1. This order is passed further to the order dated 09.05.2025, which records as follows:

"1. The petitioner assails a disciplinary order dated 07.12.2014 issued by respondent No. 3-Laxmi Devi Shroff Adarsh Sanskrit Maha Vidyalaya, Deoghar, Jharkhand, and communications dated 30.06.2017 and 06.10.2017, issued by respondent No. 2-Rashriya Sanskrit Sansthan, New Delhi, approving the termination. He also challenges an order dated 10.08.2018, issued by respondent No. 2, which dismisses his representation.

2. At the outset, it may be noted that the contention of respondent Nos. 2 and 3 is that the petitioner was an employee of respondent No. 3, and disciplinary proceedings were taken against him by respondent No. 3 alone. Respondent No. 2 is only a nodal agency, which deals with distribution of funds allocated to Adarsh Sanskrit Mahavidyalayas by the Ministry of Education. On this basis, it is submitted that this Court has no territorial jurisdiction to entertain the present petition, and that, in fact, it is also submitted that the petitioner had earlier approached the Jharkhand High Court in respect of his service related grievances, including disciplinary proceedings.

3. A second preliminary objection is also raised, to the effect that the disciplinary order, which is under challenge in this writ petition, is susceptible to appeal under Rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, which are applicable



to respondent No. 3.

4. Mr. Feroze Ahmad, learned counsel for the petitioner, however, submits that, by an order dated 18.04.2018 in W.P.(C) 3812/2018, the petitioner was directed to make a representation to respondent No. 2, and that the said representation has been disposed of by the impugned order dated 10.08.2018. It may be noted that, even while disposing of the representation, respondent No. 2 observed that the petitioner has an appellate remedy, and that respondent No. 2 is neither the disciplinary authority, nor the appellate authority, nor revising authority in the present case. However, in deference to the order of this Court, the representation was also decided on merits. Even the orders dated 30.06.2017 and 06.10.2017 by respondent No. 2, referred the petitioner to the Chairperson of the Management Committee of respondent No. 3. No independent or unqualified jurisdiction was exercised by respondent No. 2 at any stage.

5. I am also of the view that the order dated 18.04.2018 is not dispositive of the question of maintainability or territorial jurisdiction. The said questions are not discussed in the said order, which was disposed of only for making of a representation.

6. In these circumstances, Mr. Ahmad is granted time to take instructions on these preliminary objections, list in the category of "Old/Targeted Cases" on 20.05.2025."

2. On the question of territorial jurisdiction, Mr. Feroze Ahmad, learned counsel for the petitioner, accepts that the petitioner was an employee of respondent No. 3 – Laxmi Devi Shroff Adarsh Sanskrit Maha Vidyalaya, Deoghar, Jharkhand. His letters of appointment and confirmation were both issued by respondent No. 3, and the disciplinary proceedings from which this petition emanates were also conducted by respondent No. 3.

3. There is no specific averment in the writ petition with regard to the territorial jurisdiction of this Court. However, Mr. Ahmad submits that two of the respondents, being the Union of India ["UoI"] and the Rashtriya Sanskrit Sansthan [hereinafter, "Sansthan"], have their offices within the jurisdiction of this Court. As far as the role of the Sansthan is concerned, Mr. Ahmad submits that respondent No. 3 functions under the



Sansthan, which is situated in New Delhi.

4. I find no basis for this submission from the record. The petitioner was an employee of the institution in Jharkhand. Respondent No. 3 has clearly averred in the counter affidavit filed by it that respondent No. 2 was neither the Disciplinary Authority, nor the Appellate Authority, nor the Revising Authority, in the present case. Respondent No. 2 has also taken the same position in its order dated 10.08.2018.

5. In these circumstances, the fact that the UOI and respondent No. 2 are situated within the jurisdiction of this Court cannot, in my view, attract the jurisdiction of this Court for the purposes of these writ proceedings. The petitioner's employment was in the State of Jharkhand. All proceedings were taken against him in the State of Jharkhand, and the record is also available with the petitioner's employer, in Deoghar.

6. This Court therefore has no jurisdiction to entertain the writ petition.

7. At this stage, Mr. Ahmad seeks permission to withdraw this writ petition, with liberty to file an appeal under Rule 23 of the Central Civil Services (Classification, Control, and Appeal) Rules, 1965.

8. This contention is accepted. Respondent No. 3 has itself raised a preliminary objection that the petitioner has an appellate remedy. If the appeal is filed within a period of four weeks from today, the same be considered on merits rather than disposed of on the question of delay, having regard to the pendency of this petition in this Court.

9. The writ petition is disposed of with these directions.

PRATEEK JALAN, J

MAY 27, 2025/“Bhupi/JM”/