

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7184 of 2026

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Kumar Atish Ranjan @ Atish Ranjan Son of Ashok Prasad, Resident of
Village- Barara, P.S.- Noorsarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, Government of India, New Delhi-110001.
2. The Central Reserve Police Force through the Director General, East Block-7, Level-4 RK Puram, Sector-1, New Delhi-110066.
3. The Inspector General (Communication and IT), Directorate General, Central Reserve Police Force, East Block-7, Level-4 RK Puram, Sector-1, New Delhi-110066.
4. The Deputy Inspector General, Signal Range, Central Reserve Police Force, Sector-5, Salt Lake, Kolkatta-700091.
5. The Commandant-5, Signal Battalion, Central Reserve Police Force-cum-Inquiry Officer stationed in Hallomajra, Chandigarh.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Namrata Dubey, Adv
		Mr. Kumar Kaushik, Adv
For the Respondent/s	:	Mr. Additional Solicitor General
For the Union of India	:	Mr. Sanjeev Kumar (C.G.C.)

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

3 17-06-2026 Heard the learned counsel for the parties.

2. The present writ petition has been filed for the
following reliefs:-

*“i. For issuance of an order, direction or
a writ of certiorari for quashing and
setting aside the order dated 14.05.2024
issued under the signature of Respondent
No. 04 whereby and where under the
petitioner who was posted as Radio
Operator (five Signal Battalion at*



Hiranagar, Jammu and Kashmir) has been inflicted with the punishment of compulsory retirement from service in exercise of powers conferred under Section 11 (1) of the Central Reserve Police Force Act, 1949 read with Rule 27 of the Central Reserve Police Force Rules, 1955.

ii. For issuance of an order, direction or a writ of certiorari for quashing and setting aside the order dated 20.12.2024 (communicated through letter dated 10.02.2025) issued under the signature of Respondent No. 03 whereby and where under the appeal filed by the petitioner on 12.06.2024 under rule 28 of the C.R.P.F. Rules, 1955 has been rejected.

iii. For issuance of an order, direction or a writ of certiorari for quashing and setting aside the order dated 07.08.2025 issued by the competent authority whereby and where under the revision filed by the petitioner under rule 29 of the CRPF Rules, 1955 against the order of punishment as well as the appellate order, has been rejected.

iv. For issuance of an order, direction or a writ of mandamus for reinstating the petitioner in service with all consequential benefit including the arrears of salary for the period during which the petitioner has



been illegally kept out of employment.”

3. At the outset, the learned counsel appearing on behalf of the Union of India raises a preliminary objection with regard to the maintainability of the writ petition and submits that the entire cause of action has arisen outside the territorial jurisdiction of this Hon'ble Court in as much as the order of compulsory retirement has been passed at Kolkata and the same has been communicated to the petitioner through the 5 signal Battalion, CRPF at Chandigarh. Further, he submits that even the appellate order has been passed in New Delhi and the revisional order has also been passed at New Delhi.

4. Per Contra, the learned counsel appearing on behalf of the petitioner submits that the petitioner has been compulsorily retired from service on account of lodging of first information report bearing Laheri P.S. Case No. 455 of 2021. He submits that the entire investigation with regard to the above-mentioned police case was conducted in Nalanda and therefore, this Hon'ble Court has got jurisdiction to entertain the writ petition.

5. The learned counsel for the petitioner in support of his contention refers to and relies upon a judgment of the Hon'ble Supreme Court of India reported in 2014 (9) SCC 329 (**Nawal Kishore Sharma Vs. Union of India and Ors.**),



wherein, the Hon'ble Supreme Court of India in paragraph nos. 5, 8, 17 and 18 has held as follows:-

5. After hearing the learned counsel appearing for the parties and considering the entire materials on record, the learned Single Judge of the Patna High Court dismissed the writ petition of the appellant holding that no cause of action, not even a fraction of cause of action, arose within its territorial jurisdiction. Hence, the present appeal by special leave.

8. While interpreting the aforesaid provision, the Constitution Bench of this Court in Election Commission v. Saka Venkata Rao [(1953) 1 SCC 320 : AIR 1953 SC 210] , held that the writ court would not run beyond the territories subject to its jurisdiction and that the person or the authority affected by the writ must be amenable to court's jurisdiction either by residence or location within those territories. The rule that cause of action attracts jurisdiction in suits is based on statutory enactment and cannot apply to writs issued under Article 226 of the Constitution which makes no reference to any cause of action or where it arises but insist on the presence of the person or authority within the territories



in relation to which the High Court exercises jurisdiction. In another Constitution Bench judgment of this Court in K.S. Rashid and Son v. Income Tax Investigation Commission [AIR 1954 SC 207] , this Court took the similar view and held that the writ court cannot exercise its power under Article 226 beyond its territorial jurisdiction. The Court was of the view that the exercise of power conferred by Article 226 was subject to a twofold limitation viz. firstly, the power is to be exercised in relation to which it exercises jurisdiction and secondly, the person or authority on whom the High Court is empowered to issue writ must be within those territories. These two Constitution Bench judgments came for consideration before a larger Bench of seven Judges of this Court in Lt. Col. Khajoor Singh v. Union of India [Lt. Col. Khajoor Singh v. Union of India, AIR 1961 SC 532] . The Bench approved the aforementioned two Constitution Bench judgments and opined that unless there are clear and compelling reasons, which cannot be denied, writ court cannot exercise jurisdiction under Article 226 of the Constitution beyond its territorial jurisdiction.



17. We have perused the facts pleaded in the writ petition and the documents relied upon by the appellant. Indisputably, the appellant reported sickness on account of various ailments including difficulty in breathing. He was referred to hospital. Consequently, he was signed off for further medical treatment. Finally, the respondent permanently declared the appellant unfit for sea service due to dilated cardiomyopathy (heart muscle disease). As a result, the Shipping Department of the Government of India issued an Order on 12-4-2011 cancelling the registration of the appellant as a seaman. A copy of the letter was sent to the appellant at his native place in Bihar where he was staying after he was found medically unfit. It further appears that the appellant sent a representation from his home in the State of Bihar to the respondent claiming disability compensation. The said representation was replied by the respondent, which was addressed to him on his home address in Gaya, Bihar rejecting his claim for disability compensation. It is further evident that when the appellant was signed off and declared medically unfit, he returned back to his home in the district of



Gaya, Bihar and, thereafter, he made all claims and filed representation from his home address at Gaya and those letters and representations were entertained by the respondents and replied and a decision on those representations were communicated to him on his home address in Bihar. Admittedly, the appellant was suffering from serious heart muscle disease (dilated cardiomyopathy) and breathing problem which forced him to stay in his native place, wherefrom he had been making all correspondence with regard to his disability compensation. Prima facie, therefore, considering all the facts together, a part or fraction of cause of action arose within the jurisdiction of the Patna High Court where he received a letter of refusal disentitling him from disability compensation.

18. Apart from that, from the counter-affidavit of the respondents and the documents annexed therewith, it reveals that after the writ petition was filed in the Patna High Court, the same was entertained and notices were issued. Pursuant to the said notice, the respondents appeared and participated in the proceedings in the High Court. It further reveals that after hearing the



counsel appearing for both the parties, the High Court passed an interim order on 18-9-2012 [Nawal Kishore Sharma v. Union of India, CWJC No. 3160 of 2012, order dated 18-9-2012 (Pat)] directing the authorities of Shipping Corpn. of India to pay at least a sum of Rs 2.75 lakhs, which shall be subject to the result of the writ petition. Pursuant to the interim order, the respondent Shipping Corpn. of India remitted Rs 2,67,270 (after deduction of income tax) to the bank account of the appellant. However, when the writ petition was taken up for hearing, the High Court took the view that no cause of action, not even a fraction of cause of action, has arisen within its territorial jurisdiction.

6. The learned counsel for the petitioner in support of his contention with regard to the maintainability of the writ petition further refers to and relies upon a judgment of the Hon'ble Division Bench of this Court reported in 2023 (5) BLJ 766 (**Jagannath Mishra vs. United Insurance Company Limited and Ors**), wherein the Hon'ble Division Bench in paragraph no. 18 has held as follows:-

“18. In the above circumstances, despite the Inquiry having been Initiated while the C.O. was working at Dhanbad, the



allegations which he had to disprove, was with respect to the facts that occurred in Patna. On failing to disprove these allegations and setting up a reasonable explanation in his defence, the appellant would be held guilty of the charges. Hence, what occurred at Muzaffarpur has an inextricable link to the lis and those facts were brought out by the Presenting Officer (PO) of the employer within the jurisdiction of this Court, at Patna. We are of the opinion that the learned Single Judge erred in finding lack of jurisdiction though the inquiry was commenced at Dhanbad and the dismissal order was communicated to the appellant at Dhanbad. Since the entire allegations were of facts that occurred within the State of Bihar at Muzaffarpur and the inquiry itself was proceeded with, in Patna, within the State of Bihar; this Court has the jurisdiction to consider the question raised of the sustainability of the order of dismissal.”

7. The learned for the petitioner in support of his contention further refers to and relies upon a judgment of the Hon’ble Supreme Court of India reported in 2006 (6) SCC 207 (**Om Prakash Srivastava Vs. Union of India and Anr.**),



wherein the Hon'ble Supreme Court of India in paragraph nos.

11 and 18 has held as follows:-

“11. It is settled law that “cause of action” consists of a bundle of facts, which give cause to enforce the legal inquiry for redress in a court of law. In other words, it is a bundle of facts, which taken with the law applicable to them, gives the plaintiff a right to claim relief against the defendant. It must include some act done by the defendant since in the absence of such an act no cause of action would possibly accrue or would arise. [See South East Asia Shipping Co. Ltd. v. Nav Bharat Enterprises (P) Ltd. [(1996) 3 SCC 443]].

18. In the instant case the High Court has not dealt with the question as to whether it had jurisdiction to deal with the writ petition. It only observed that the Delhi High Court may have jurisdiction, but the issues relating to conditions of prisoners in the State of U.P. can be more effectively dealt with by the Allahabad High Court. As noted supra, there were two grievances by the appellant. But only one of them i.e. the alleged lack of medical facilities has been referred to by the High Court. It was open to the Delhi High Court to say that



no part of the cause of action arose within the territorial jurisdiction of the Delhi High Court. The High Court in the impugned order does not say so. On the contrary, it says that jurisdiction may be there, but the Allahabad High Court can deal with the matter more effectively. That is certainly not a correct way to deal with the writ petition. Accordingly, we set aside the impugned order of the High Court and remit the matter to it for fresh hearing on merits. A prayer has been made for release of the appellant on parole for the reasons indicated in the application. We are not inclined to pass any order on the said application. The same is rejected.

8. Per Contra, the learned counsel appearing on behalf of the Union of India refers to and relies upon a judgment of a learned Single Judge of this Hon'ble Court dated 27.04.2022 passed in C.W.J.C. No. 11139 of 2018 (**Ashutosh Ranjan Vs. The Union of India and Ors**), wherein in paragraph nos. 11, 13, 14, 15 and 20 it has been held as follows:-

“11. Cause of action means a right to sue. Therefore, the material facts which are imperative for the suitor to allege and prove constitute the cause of action. It is known fact that cause of action is not defined in any law or a statute. It has,



however, been judicially interpreted inter alia to mean that every fact which would be necessary for the plaintiff to prove, if traversed, in order to support his/her right to the judgment of the Court. Otherwise, it would mean that everything which, if not proved, gives the respondent - defendant an immediate right to seek a judgment, would be part of cause of action. Of course, its importance is beyond any doubt. Consequently, every action, there has to be a cause of action, if not, the plaint/petition, as the case may be, shall be rejected summarily.

13. Article 226 of the Constitution as it originally stood had two-fold limitations on the jurisdiction of the High Courts with regard to their territorial jurisdiction. Firstly, the power could be exercised “throughout the territories in relation to which it exercises jurisdiction”, that is to say, the writs issued by the court cannot run beyond the territories subject to its jurisdiction. Secondly, the person or authority to whom the High Court is empowered to issue such writs must be “within those territories”, which clearly implied that they must be amenable to its jurisdiction either by residence or location within those territories.



14. Statement of objects and reasons to incorporate Article 226(1A) now (2) reads as under:—

“Under the existing Article 226 of the Constitution, the only High Court which has jurisdiction with respect to the Central Government is the Punjab High Court. This involves considerable hardship to litigants from distant places. It is, therefore, proposed to amend Article 226 so that when any relief is sought against any Government authority or person for any action taken, the High Court within whose jurisdiction the cause of action arise may also have jurisdiction to issue appropriate directions, orders or writs. The other new proposals are of a minor character”

15. Article 226 was amended while incorporating Clause 2. Clause 2 reads as under:—

“(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the sea of



such Government or authority or the residence of such person is not within those territories.”

The effect of the amendment is that it made the accrual cause of action an additional ground to confer jurisdiction to a High Court under Article 226. Clause (2) would enable the High Court within whose jurisdiction the cause of action arises to issue directions, order or writs to any Government, authority or person, notwithstanding that the seat of such Government or authority or the residence of such person is outside territorial jurisdiction of the High Court. Writ can be issued by a High Court against a person, Government or authority residing within the jurisdiction of that High Court, or within whose jurisdiction the cause of action in whole or in part arises. Since one of the contention is that partial cause of action is accrued in Bihar State, it is necessary to take note of what is the meaning of cause of action. After the insertion of clause (1-A), re-numbered as “2” to Article 226 of Constitution, now the jurisdiction of a High Court can be invoked if the cause of action arises, wholly or in part, within the territorial jurisdiction of that High Court. However,



the expression “cause of action” has neither been defined in the Constitution nor in the Civil Procedure Code, 1908. But it may be described as “a bundle of essential facts, which it is necessary for the plaintiff to prove before he can succeed”, or if not proved would give the defendant a right to judgment in his favour. It gives occasion for and forms the foundation of the suit. “Cause of action” means every fact which it would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the court as expressed in the case of Cooke v. Gill, [L.R.] 8 C.P. 107 : 42 LJ PC 98. The petitioner has contended that one of the essential fact has arisen within the territorial jurisdiction of this High Court to the extent that he is resident of State of Bihar. Thus, it was contended that cause of action arose in State of Bihar in part since clause (2) of Article 226 enables a High Court to issue appropriate writs, orders or directions if the cause of action wholly or in part arises. Petitioner's grievance is relating to penalty order and its affirmation by higher authorities of the State of Assam and State of West Bengal, therefore, whole cause of action is at



Assam/West Bengal except the fact that the petitioner is a resident of State of Bihar that does not mean that partial cause of action has accrued in the State of Bihar. Question of partial cause of action is attracted only if there is any office of the respondents are under the territorial jurisdiction of this Court like Government of India/Union of India having its offices at different places. Therefore, the citation referred by the petitioner in the case of Naval Kishore Sharma's case is distinguishable as in that case Naval Kishore Sharma was working under the Central Government Organization and it was part and parcel of Union of India. Therefore, any claim against Union of India and its sister concern territorial jurisdiction could be invoked all over India.

20. In view of above facts and circumstances and merely the fact that petitioner is a resident of State of Bihar and certain correspondences have been made by him and that does not accrues any partial cause of action to the petitioner in the State of Bihar so as to entertain writ petition. If this analogy is accepted every aggrieved person sitting at his/her home town invoke territorial



jurisdiction of the respective State High Court, even though contesting respondent's office or residence is in a different place - territorial jurisdiction. For example employee of the respondents if he is resident of Tamil Nadu and make correspondence from Tamil Nadu and he cannot invoke jurisdiction of Madras High Court as employer and employee relation would be only at Assam/West Bengal.

9. The learned counsel for the Union of India further refers to and relies upon a judgment of this Court dated 06.04.2026 passed in C.W.J.C. No. 5041 of 2026 (**Sandeyas Kumar Singh Vs. The Union of India and Ors.**), wherein, this Court while relying upon a judgment of the learned Co-ordinate Bench of this Court in paragraph no. 7 has held as follows:-

“7. Having heard the rival submissions and after going through the judgment relied upon by the learned counsel for the Union of India, without going into the merits of this case and without expressing any opinion on the merits of this case, this Court is of the considered opinion that the writ petition is not maintainable before this Court for want of territorial jurisdiction.”

10. The learned counsel appearing on behalf of the



Union of India further refers to and relies upon a judgment of the Hon'ble Supreme Court of India reported in 1994 (4) SCC 711 (**Oil and Natural Gas Commission Vs. Utpal Kumar Basu and Ors.**), wherein, the Hon'ble Supreme Court of India, in paragraph nos. 5, 6 and 8 has held as follows:-

5. Clause (1) of Article 226 begins with a non obstante clause — notwithstanding anything in Article 32 — and provides that every High Court shall have power “throughout the territories in relation to which it exercises jurisdiction”, to issue to any person or authority, including in appropriate cases, any Government, “within those territories” directions, orders or writs, for the enforcement of any of the rights conferred by Part III or for any other purpose. Under clause (2) of Article 226 the High Court may exercise its power conferred by clause (1) if the cause of action, wholly or in part, had arisen within the territory over which it exercises jurisdiction, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories. On a plain reading of the aforesaid two clauses of Article 226 of the Constitution it becomes clear that a High Court can exercise the



power to issue directions, orders or writs for the enforcement of any of the fundamental rights conferred by Part III of the Constitution or for any other purpose if the cause of action, wholly or in part, had arisen within the territories in relation to which it exercises jurisdiction, notwithstanding that the seat of the Government or authority or the residence of the person against whom the direction, order or writ is issued is not within the said territories. In order to confer jurisdiction on the High Court of Calcutta, NICCO must show that at least a part of the cause of action had arisen within the territorial jurisdiction of that Court. That is at best its case in the writ petition.

6. It is well settled that the expression “cause of action” means that bundle of facts which the petitioner must prove, if traversed, to entitle him to a judgment in his favour by the Court. In *Chand Kour v. Partab Singh* [ILR (1889) 16 Cal 98, 102 : 15 IA 156] Lord Watson said:

“... the cause of action has no relation whatever to the defence which may be set up by the defendant, nor does it depend upon the character of the relief prayed for by the plaintiff. It refers entirely to the



ground set forth in the plaint as the cause of action, or, in other words, to the media upon which the plaintiff asks the Court to arrive at a conclusion in his favour.”

Therefore, in determining the objection of lack of territorial jurisdiction the court must take all the facts pleaded in support of the cause of action into consideration albeit without embarking upon an enquiry as to the correctness or otherwise of the said facts. In other words the question whether a High Court has territorial jurisdiction to entertain a writ petition must be answered on the basis of the averments made in the petition, the truth or otherwise whereof being immaterial. To put it differently, the question of territorial jurisdiction must be decided on the facts pleaded in the petition. Therefore, the question whether in the instant case the Calcutta High Court had jurisdiction to entertain and decide the writ petition in question even on the facts alleged must depend upon whether the averments made in paragraphs 5, 7, 18, 22, 26 and 43 are sufficient in law to establish that a part of the cause of action had arisen within the jurisdiction of the Calcutta High Court.

“8. From the facts pleaded in the writ



petition, it is clear that NICCO invoked the jurisdiction of the Calcutta High Court on the plea that a part of the cause of action had arisen within its territorial jurisdiction. According to NICCO, it became aware of the contract proposed to be given by ONGC on reading the advertisement which appeared in the Times of India at Calcutta. In response thereto, it submitted its bid or tender from its Calcutta office and revised the rates subsequently. When it learnt that it was considered ineligible it sent representations, including fax messages, to EIL, ONGC, etc., at New Delhi, demanding justice. As stated earlier, the Steering Committee finally rejected the offer of NICCO and awarded the contract to CIMMCO at New Delhi on 27-1-1993. Therefore, broadly speaking, NICCO claims that a part of the cause of action arose within the jurisdiction of the Calcutta High Court because it became aware of the advertisement in Calcutta, it submitted its bid or tender from Calcutta and made representations demanding justice from Calcutta on learning about the rejection of its offer. The advertisement itself mentioned that the tenders should be submitted to EIL at



New Delhi; that those would be scrutinised at New Delhi and that a final decision whether or not to award the contract to the tenderer would be taken at New Delhi. Of course, the execution of the contract work was to be carried out at Hazira in Gujarat. Therefore, merely because it read the advertisement at Calcutta and submitted the offer from Calcutta and made representations from Calcutta would not, in our opinion, constitute facts forming an integral part of the cause of action. So also the mere fact that it sent fax messages from Calcutta and received a reply thereto at Calcutta would not constitute an integral part of the cause of action. Besides the fax message of 15-1-1993, cannot be construed as conveying rejection of the offer as that fact occurred on 27-1-1993. We are, therefore, of the opinion that even if the averments in the writ petition are taken as true, it cannot be said that a part of the cause of action arose within the jurisdiction of the Calcutta High Court.”

11. The learned counsel for the Union of India further refers to and relies upon a judgment of the Hon’ble Division Bench of this Court reported in 2009 (1) PLJR 533 (**Amar Kumar Choubey Vs. The Union of India and Ors.**),



wherein in paragraph nos. 14, 15, 16, 19, 20 and 21 it has been held as follows:-

“14. In view of all these admitted facts, it must be held that no part of cause of action for filing of a writ application, claiming payment of disability pension from the respondents had arisen within the territorial jurisdiction of this Court. As noted above, the appellant/writ petitioner sustained injury at Gomnom in Ukhrul district, Manipur while being on duty in As sam Rifles and thereafter, remained posted at Jorhat in capacity of Rifleman on general duty from August, 1991 till 1st December, 2004. Thus any and every part of his cause of action for claiming grant of disability pension had arisen beyond the territorial jurisdiction of this Court and the contention of the learned Counsel for the appellant/writ petitioner that as the communication refusing grant of disability pension was made to his permanent village home address the district of Saran of the State of Bihar within the territorial jurisdiction of this Court by itself given him a cause of action to maintain his writ petition is wholly misconceived and must be rejected.



15. In this context, one must take note of the relevant provisions of Article 226 of the Constitution of India, which reads as follows:—

“226. Power of High Courts to issue certain writs.— (1) Notwithstanding anything in Article 32, every High Court shall have powers, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including [writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them, for the enforcement of any of the rights conferred by Part-III and for any other purpose].

(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.

(3) -----



(4) -----

16. It would thus appear that the touchstone for exercise of jurisdiction under Article 226 of the Constitution of India squarely depends to the territories in which the cause of action had arisen either in whole or in part. This aspect of the matter as to what would be the cause of action within the meaning of Article 226(2) of the Constitution of India is no longer res integra and reference in this connection may only be made to the following passage of the Apex Court in the case of Kusum Ingots & Alloys Ltd. (supra):—

“6. Cause of action implies a right to sue. The material facts which are imperative for the suitor to allege and prove constitute the cause of action. Cause of action is not defined in any statute. It has, however, been judicially interpreted inter alia to mean that every fact which would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the Court. Negatively put, it would mean that everything which, if not proved, gives the defendant an immediate right to judgment, would be part of cause of action. Its importance is beyond any doubt. For every action, there



has to be a cause of action, if not, the plaint or the writ petition, as the case may be, shall be rejected summarily.”

19. The submission advanced on behalf of the learned Counsel for the appellant/writ petitioner that as the order rejecting the request of the petitioner for grant of disability pension was served on the appellant/writ petitioner within the territorial jurisdiction of this Court, a part of cause of action had arisen within the meaning of Article 226(2) of the Constitution of India so as to maintain writ application filed by the appellant/writ petitioner is only to be noticed for its being rejected. Mere service of notice or a communication is neither an integral fact much less material fact forming part of cause of action. In the present case, when the appellant/writ petitioner had sustained injuries in the State-of Manipur and was subsequently retained in service for next 13 years in the State of Assam (at Jorhat), his claim for disability pension in terms of Rules arose and get extinguished within a period of five years in terms of Rule 6 of the Rules in the State of Assam itself. That being so, if the appellant/writ petitioner after he opted out of service



with his invalid pension as per his own request w.e.f. 1.12.2004 in terms of Rule 38 of C.C.S. (Pension) Rules, his wholly belated and impermissible request for grant of disability pension in the year 2005 and its rejection by the Colonel, Assam Rifles, the competent authority of the Director General of Assam Rifles having its Headquarter at Shillong in the State of Meghalaya by his order dated 10.11.2005 did not furnish any part of cause of action for maintaining a writ application before this Court merely because the said order dated 14.11.2005 rejecting his request for grant of disability pension was communicated to the appellant/writ petitioner at his permanent village home address in the district of Saran of the State of Bihar. This aspect of the matter as to whether communication itself would constitute a cause of action for maintaining writ application was also directly considered by the Apex Court in the case of State of Rajasthan v. Swaika Properties reported in (1985) 3 SCC 217 wherein after extracting the definition of expression 'cause of action' from Mulla's Code of Civil Procedure, the Apex Court had held as follows:—



“The mere service of notice under Section 52(2) of the Act on the respondents at their registered office at 18-B, Brabourne Road, Calcutta i.e. within the territorial limits of the State of West Bengal, could not give rise to a cause of action within that territory unless the service of such notice was an integral part of the cause of action. The entire cause of action culminating in the acquisition of the land under Section 52(1) of the Act arose within the State of Rajasthan i.e. within the territorial jurisdiction of the Rajasthan High Court at the Jaipur Bench.”

20. The place of residence or place of communication in fact can never be by itself a determinative factor for deciding the cause of action in terms of Article 226(2) of the Constitution of India is a well settled proposition in law. Reference in this connection may also be made to the judgment of the Apex Court in the case of Aligarh Muslim University (supra) wherein it was held that:—

“2. We are surprised, not a little, that the High Court of Calcutta should have exercised jurisdiction in a case where it had absolutely no jurisdiction. The contracts in question were executed at



Aligarh, the construction work was to be carried out at Aligarh, even the contracts provided that in the event of dispute the Aligarh Court alone will have jurisdiction. The Arbitrator was from Aligarh and was to function there. Merely because the respondent was a Calcutta based firm, the High Court of Calcutta seems to have exercised jurisdiction where it had none by adopting a queer line of reasoning. We are constrained to say that this is a case of abuse of jurisdiction and we feel that the respondent deliberately moved the Calcutta High Court ignoring the fact that no part of the cause of action had arisen within the jurisdiction of that Court. It clearly shows that the litigation filed in the Calcutta High Court was thoroughly unsustainable.”

21. As a matter of fact, this aspect of the matter was also considered in detail by the Apex Court in the case of Oil and Natural Gas Commission (supra) wherein it was held that merely because the writ petitioner submitted a tender and made representation from Calcutta in response to an advertisement inviting tenders which were to be considered at New Delhi and the work was to be performed at



Hazira (Gujarat) it could not have maintained its writ application in Calcutta High Court on the basis of its representation made and reply received through the FAX Message at Calcutta as receipt of such communications did form on an integral part of cause of action. The Apex Court in fact in this regard while deprecating entertaining of the writ application by Calcutta High Court had also put a note of caution in the following words:—

“It must be remembered that the image and prestige of a court depends on how the members of that institution conduct themselves. If an impression gains ground that even in cases which fall outside the territorial jurisdiction of the court, certain members of the court would be willing to exercise jurisdiction on the plea that some event, however trivial and unconnected with the cause of action had occurred within the jurisdiction of the said court, litigants would seek to abuse the process by carrying the cause before such members giving rise to avoidable suspicion. That would lower the dignity of the institution and put the entire system to ridicule. We are greatly pained to say so but if we do not strongly deprecate the



growing tendency we will, we are afraid, be failing in our duty to the institution and the system of administration of justice. We do hope that we will not have another occasion to deal with such a situation.”

12. The learned counsel for the Union of India further refers to and relies upon a judgment of the Hon'ble Supreme Court of India reported in 2008 (3) SCC 456 (**Eastern Coalfields Ltd. And Ors Vs. Kalayan Banerjee**), wherein in paragraph nos. 5,6,7, 8, 10 and 13 has held as follows:-

5. Mr Anip Sachthey, learned counsel appearing on behalf of the appellant, submitted that it is not a case where sanction of the corporate office or head office was required to be taken. The entire cause of action having arisen within the jurisdiction of the Jharkhand High Court, the Calcutta High Court could not have exercised any jurisdiction in the matter.

6. The jurisdiction to issue a writ of or in the nature of mandamus is conferred upon the High Court under Article 226 of the Constitution of India. Article 226(2), however, provides that if cause of action had arisen in more than one court, any of the courts where part of cause of action arises will have jurisdiction to entertain



the writ petition.

7. “Cause of action”, for the purpose of Article 226(2) of the Constitution of India, for all intent and purport, must be assigned the same meaning as envisaged under Section 20(c) of the Code of Civil Procedure. It means a bundle of facts which are required to be proved. The entire bundle of facts pleaded, however, need not constitute a cause of action as what is necessary to be proved is material facts whereupon a writ petition can be allowed.

8. The question to some extent was considered by a three-Judge Bench of this Court in Kusum Ingots & Alloys Ltd. v. Union of India [(2004) 6 SCC 254] stating: (SCC p. 261, para 18)

“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.”

10. Kusum Ingots & Alloys Ltd. [(2004) 6 SCC 254] has been followed by this Court in Mosaraf Hossain Khan v. Bhagheeratha Engg. Ltd. [(2006) 3 SCC 658 : (2006) 2 SCC (Cri) 98] stating:



(SCC p. 669, para 26)

“26. In Kusum Ingots & Alloys Ltd. v. Union of India [(2004) 6 SCC 254] a three-Judge Bench of this Court clearly held that with a view to determine the jurisdiction of one High Court vis-à-vis the other the facts pleaded in the writ petition must have a nexus on the basis whereof a prayer can be made and the facts which have nothing to do therewith cannot give rise to a cause of action to invoke the jurisdiction of a court. In that case it was clearly held that only because the High Court within whose jurisdiction a legislation is passed, it would not have the sole territorial jurisdiction but all the High Courts where cause of action arises, will have jurisdiction.”

13. In view of the decision of the Division Bench of the Calcutta High Court that the entire cause of action arose in Mugma area within the State of Jharkhand, we are of the opinion that only because the head office of the appellant Company was situated in the State of West Bengal, the same by itself will not confer any jurisdiction upon the Calcutta High Court, particularly when the head office had nothing to do with the order of punishment passed against the



respondent.

13. Having heard the learned counsel for the parties and after going through the records, it appears that the petitioner was compulsorily retired from service vide order dated 14.05.2025 passed by the DIG, signal Range, CRPF, Kolkata. Further, the appeal was preferred by the petitioner before the appellate authority i.e. the Inspector General (Communication & IT) who is posted at New Delhi and vide order dated 20.12.2024, which was communicated to the petitioner through letter dated 10.02.2025, his appeal has been dismissed. The said order has also been passed at New Delhi. Further the revision preferred by the petitioner has also been dismissed by the Inspector General (Communication & IT) who is posted at New Delhi. The entire departmental proceeding against the petitioner was conducted either at Kolkata or at New Delhi and no cause of action relating to the compulsory retirement of the petitioner has arisen in the state of Bihar, except the lodging of the FIR, on the basis of which, it is alleged that the petitioner has been compulsorily retired from service.

14. It appears that the judgment relied upon by the learned counsel for the petitioner is not applicable in the present case since in that case the communication was made between the petitioner of that case and the respondents from the State of



Bihar and reply was received in the State of Bihar. Further even the High Court entertained the writ petition and passed an interim order directing the authorities of the Shipping Corporation of India to pay at least a sum of Rs. 2.7 lakh, subject to result of the writ petition and later on dismissed the writ petition on the ground of its maintainability. The present case is not similar to the case relied upon by the petitioner. Further the case of Jagannath Mishra (Supra) which has been relied by the learned counsel for the petitioner does not cover the case of the petitioner, since in that case the entire enquiry with regard to the proceeding was conducted in Patna and therefore, the Hon'ble Division Bench came to the conclusion that since enquiry has been conducted in Patna, the Court at Patna has the jurisdiction to entertain the writ petition.

15. In the present case, only the first information report was lodged in Nalanda, which does not give any jurisdiction to the petitioner to try and contest his case before this Hon'ble Court. In the present case, the petitioner has challenged the order passed by the disciplinary authority, who is based at Kolkata and the entire departmental proceeding was conducted in Kolkata, in which the petitioner duly participated at Kolkata. The appellate order and the revisional order was



passed by the authorities at Delhi. The entire exercise was conducted outside the territorial jurisdiction of this Hon'ble Court and only a communication was sent to the residential address of the petitioner, which does not give any cause of action to this Hon'ble Court to try and decide the matter relating to the compulsory retirement of the petitioner.

16. Accordingly from the consideration made above and the judgment referred to in the present writ petition, without going into the merit of this case and without expressing any opinion, this Court is of the considered opinion that the writ petition is not maintainable before this Hon'ble Court for want of territorial jurisdiction.

17. The writ petition is dismissed for want of territorial jurisdiction. The petitioner is at liberty to take appropriate remedy, as available under law before appropriate forum.

(Ritesh Kumar, J)

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