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IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No.3002 of 2024
CNR No. ODHC010737012024

(From the judgment dated 6th September, 2024 passed by learned Single Judge in WP(C) No.15129 of 2016)

Sridhar Kumar Sethy .... ***Appellant***

-versus-

Special Director General of Police, Jammu & Kashmir Zone, CRPF, Jammu and Others ... ***Respondents***

Advocate(s) appeared in this case:-

For Appellant : Mr. N.R. Routray, Advocate

For Respondents : Mr. D. Gochhayat, CGC

CORAM:
HO'BLE MR. JUSTICE B. P. ROUTRAY
HO'BLE MISS JUSTICE SAVITRI RATHO

JUDGMENT
5th November, 2026

B.P. Routray, J.

1. Heard Mr. N.R. Routray, learned counsel for the Appellant and Mr. D. Gochhayat, learned CGC for the Respondents.

2. The Appellant, who was removed from service while serving as a Constable in CRPF in the State of Jammu, filed the writ petition challenging his order of removal including the orders of the Appellate

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and Revisional authority. The learned Single Judge vide the impugned judgement dated 6th September 2026 dismissed the writ petition on the ground that this Court did not have any jurisdiction to entertain the writ petition filed by the appellant, as the cause of action asserted in the writ petition does not vest within the jurisdiction of this Court.

3. It is true that the Appellant was removed from service through the disciplinary proceeding on 8th May 2015. The disciplinary proceeding was initiated while the Appellant was stationed with E/160 Battalion, CRPF, Barnai in Jammu. The Appellate Authority is located at Greater Noida falling within the territory of State of Uttar Pradesh.

4. On the question of territorial jurisdiction of this Court, it is stated by the Appellant that in course of disciplinary proceeding, though his Headquarters was fixed in Jammu but he was then continuing as a permanent resident in the district of Keonjhar within the State of Odisha. The order of punishment imposed by the Disciplinary Authority dated 8th May 2015 was served on him while he was in his Headquarters in Jammu. Then he returned back to his permanent residence at Anandapur in the district of Keonjhar within the State of Odisha. While residing there he preferred the appeal to the Appellate Authority and the Appellate Authority has rejected his appeal and communicated the order

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through post to his residence in the State of Odisha. Similarly, the revision was preferred by him while residing in his house within the State of Odisha and the Revisional Authority also communicated the order of dismissal of the revision through post on him while residing in his permanent address within the State of Odisha.

5. Mr. Routray, learned counsel for the Appellant submits that the part cause of action arose within the State of Odisha since he is residing here and it is untrue that this Court did not have any territorial jurisdiction for such cause of action to exercise its jurisdiction. According to him the respondents, i.e. CRPF, has its office all over the country including the State of Odisha. The State Headquarters of CRPF is located at Bhubaneswar and other offices are there also in different parts within State of Odisha. Thus, when the Respondents' office is functioning within the territory of State of Odisha, it would be wrong to say that this Court did not have any jurisdiction in respect of the cause of action arose for the Appellant to approach this Court. It is further submitted that the Respondents have never raised their objection with regard to jurisdiction in the writ petition before the learned Single Judge and so, in other words, when the parties have not objected to the

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jurisdiction of the Court, the learned Single Judge has erred in dismissing the writ petition on the ground of lack of jurisdiction.

6. Mr. Gochhayat, learned CGC submits on behalf of the Respondents that the question of jurisdiction need not be raised by the party and the Court has the power to decide its jurisdiction. According to him, when the Appellant was stationed in Jammu at the time of his removal from service, mere communication of appellate and revisional orders to his residential address within the State of Odisha will not confer jurisdiction to the Court since no substantial cause of action arose here on the part of the Appellant to agitate before this Court.

7. The question of territorial jurisdiction concerning the cause of action has been well settled in different pronouncements of the Hon'ble Supreme Court. In ***Nawal Kishore Sharma v. Union of India and others; 2014 (9) SCC 329***, the Hon'ble Supreme Court while deciding the question whether Patna High Court has jurisdiction to entertain the writ petition, have referred to Article 226 of the Constitution of India and stated that there cannot be any doubt on the question whether or not the cause of action arose wholly or in part for filing a writ petition has to be decided in the light of nature and character of the proceeding under Article 226 of the Constitution and in order to maintain the writ petition

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the petitioner has to establish that a legal right claimed by him has been infringed by the Respondents within the territorial limits of the Court's jurisdiction. The Hon'ble Supreme Court have observed as follows:-

> "12. The term 'cause of action' as appearing in Clause (2) came for consideration time and again before this court.
>
> 13. In *State of Rajasthan* v. *Swaika Properties*, (1985) 3 SCC 217 , the fact was that the respondent Company having its registered office in Calcutta owned certain land on the outskirts of Jaipur City, was served with notice for acquisition of land under the Rajasthan Urban Improvement Act, 1959. Notice was duly served on the Company at its registered office in Calcutta. The Company, first appeared before the Special Court and finally the Calcutta High Court by filing a writ petition challenging the notification of acquisition. The matter ultimately came before this Court to answer a question as to whether the service of notice under Section 52(2) of the Act at the registered office of the respondent in Calcutta was an integral part of cause of action and was it sufficient to invest the Calcutta High Court with a jurisdiction to entertain the petition challenging the impugned notification. Answering the question this Court held:
>
> > "*7.* Upon these facts, we are satisfied that the cause of action neither wholly nor in part arose within the territorial limits of the Calcutta High Court and therefore the learned Single Judge had no jurisdiction to issue a rule nisi on the petition filed by the respondents under Article 226 of the Constitution or to make the ad interim ex parte prohibitory order restraining the appellants from taking any steps to take possession of the land acquired. Under sub-section (5) of

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Section 52 of the Act the appellants were entitled to require the respondents to surrender or deliver possession of the lands acquired forthwith and upon their failure to do so, take immediate steps to secure such possession under sub-section (6) thereof.

8. The expression 'cause of action' is tersely defined in *Mulla's Code of Civil Procedure*:

"The 'cause of action' means every fact which, if traversed, it would be necessary for the plaintiff to prove in order to support his right to a judgment of the court." In other words, it is a bundle of facts which taken with the law applicable to them gives the plaintiff a right to relief against the defendant. 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. The answer to the question whether service of notice is an integral part of the cause of action within the meaning of Article 226(2) of the Constitution must depend upon the nature of the impugned order giving rise to a cause of action. The Notification dated 8-2-1984 issued by the State Government under Section 52(1) of the Act became effective the moment it was published in the Official Gazette as thereupon the notified land became vested in the State Government free from all encumbrances. It was not necessary

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Date: 11-Nov-2026 13:47:35

for the respondents to plead the service of notice on them by the Special Officer, Town Planning Department, Jaipur under Section 52(2) for the grant of an appropriate writ, direction or order under Article 226 of the Constitution for quashing the notification issued by the State Government under Section 52(1) of the Act. If the respondents felt aggrieved by the acquisition of their lands situate at Jaipur and wanted to challenge the validity of the notification issued by the State Government of Rajasthan under Section 52(1) of the Act by a petition under Article 226 of the Constitution, the remedy of the respondents for the grant of such relief had to be sought by filing such a petition before the Rajasthan High Court, Jaipur Bench, where the cause of action wholly or in part arose."

14. This provision was again considered by this Court in *Oil and Natural Gas Commission* v. *Utpal Kumar Basu*, (1994) 4 SCC 711. In this case the petitioner Oil and Natural Gas Commission (ONGC) through its consultant Engineers India Limited (EIL) issued an advertisement in the newspaper inviting tenders for setting up of Kerosene Recovery Processing Unit in Gujarat mentioning that the tenders containing offers were to be communicated to EIL, New Delhi. After the final decision was taken by the Steering Committee at New Delhi, the respondent NICCO moved the Calcutta High Court praying that ONGC be restrained from awarding the contract to any other party. It was pleaded in the petition that NICCO came to know of the tender from the publication in the *Times of India* within the jurisdiction of the Calcutta High Court. This Court by setting aside the order passed by the Calcutta High Court came to the following conclusion:

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Date: 11-Nov-2026 13:47:35

> "*6.* 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 paras 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."

15. In *Kusum Ingots & Alloys Ltd.* v. *Union of India* (2004) 6 SCC 254, this Court elaborately discussed clause (2) of Article 226 of the Constitution, particularly the meaning of the word "cause of action" with reference to Section 20(*c*) and Section 141 of the Code of Civil Procedure and observed:

> "*9.* Although in view of Section 141 of the Code of Civil Procedure the provisions thereof would not apply to writ proceedings, the phraseology used in Section 20(*c*) of the Code of Civil Procedure and clause (2) of Article 226, being in pari materia, the decisions of this Court rendered on interpretation of Section 20(*c*) CPC shall apply to the writ proceedings also. Before proceeding to discuss the matter further it may be pointed out that the entire bundle of facts pleaded need not constitute a cause of

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action as what is necessary to be proved before the petitioner can obtain a decree is the material facts. The expression material facts is also known as integral facts.

10. Keeping in view the expressions used in clause (2) of Article 226 of the Constitution of India, indisputably even if a small fraction of cause of action accrues within the jurisdiction of the Court, the Court will have jurisdiction in the matter." Their Lordships further observed as under:

"*29*. In view of clause (2) of Article 226 of the Constitution of India, now if a part of cause of action arises outside the jurisdiction of the High Court, it would have jurisdiction to issue a writ. The decision in *Khajoor Singh* [*Lt. Col. Khajoor Singh* v. *Union of India*, AIR 1961 SC 532] has, thus, no application.

30. We must, however, remind ourselves that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum conveniens."

16. In *Union of India* v. *Adani Exports Ltd.*, (2002) 1 SCC 567, this Court held that in order to confer jurisdiction on a High Court to entertain a writ petition it must disclose that the integral facts pleaded in support of the cause of action do constitute a cause so as to empower the Court to decide the dispute and the entire or a part of it arose within its jurisdiction. Each and every fact pleaded by the respondents in their application does not ipso facto lead to the conclusion that those facts give rise to a cause of action within the Court's territorial jurisdiction unless those facts are such which

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Date: 11-Nov-2026 13:47:35

have a nexus or relevance with the lis i.e. involved in the case. This Court observed:

"*17.* It is seen from the above that in order to confer jurisdiction on a High Court to entertain a writ petition or a special civil application as in this case, the High Court must be satisfied from the entire facts pleaded in support of the cause of action that those facts do constitute a cause so as to empower the court to decide a dispute which has, at least in part, arisen within its jurisdiction. It is clear from the above judgment that each and every fact pleaded by the respondents in their application does not ipso facto lead to the conclusion that those facts give rise to a cause of action within the court's territorial jurisdiction unless those facts pleaded are such which have a nexus or relevance with the lis that is involved in the case. Facts which have no bearing with the lis or the dispute involved in the case, do not give rise to a cause of action so as to confer territorial jurisdiction on the court concerned. If we apply this principle then we see that none of the facts pleaded in para 16 of the petition, in our opinion, falls into the category of bundle of facts which would constitute a cause of action giving rise to a dispute which could confer territorial jurisdiction on the courts at Ahmedabad."

xxxxxx xxxxxxx xxxxxxxx

19. Regard being had to the discussion made hereinabove, there cannot be any doubt that the question whether or not cause of action wholly or in part for filing a writ petition has arisen within the territorial limit of any High Court has to be decided in the light of the nature and character of the proceedings under Article 226 of the Constitution. In order to maintain a writ petition, the petitioner has to establish that a legal right claimed by him has been infringed

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by the respondents within the territorial limit of the Court's jurisdiction."

8. This Court in W.A. No.76 of 2020, vide order dated 13th July, 2021 while dealing with dismissal of service of an employee of UCO Bank stationed in Bihar, has decided in favour of maintainability of the writ petition by this Court relying on the case of ***Kusum Ingots v. Union of India; (2004) 6 SCC 254***. In the afore-cited case, the Hon'ble Supreme Court has explained that in view of Clause 2 of Article 226 of the Constitution of India, if a part of cause of action arose outside the jurisdiction of High Court it would have jurisdiction to issue the writ.

9. The learned Single Judge in the impugned judgment has referred to the case of ***Nirman Sarkar v. Canara Bank and Ors.***, WP No.11116/2021 decided on 23rd August 2022 by the Madhya Pradesh High Court. In the said decision the Madhya Pradesh High Court has relied on the case of ***Kusum Ingots*** (supra).

10. As gathered from different decisions of Hon'ble Supreme Court, viz., ***Kusum Ingots*** (supra), ***Ambika Industries v. Commissioner of Central Excise***, (2007) 6 SCC 769, ***Alchemist Ltd. v. State Bank of Sikkim***: (2007) 11 SCC 335 and ***Union of India v. Adani Exports Ltd.,*** (2002) 1 SCC 567 it is discerned that, even if a miniscule part of cause of

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Date: 11-Nov-2026 13:47:35

action arises within the jurisdiction of the Court, a writ petition would be maintainable, however the cause of action has to be understood properly. It is not that the Appellant can chose forum *conveniens* and the doctrine of forum *conveniens* and the nature of cause of action are required to be scrutinized by the High Court depending on the factual aspects of each case.

11. This Court in ***(Sri) Janardan Mohanty v. Union of India and 3 others; 2000 (II) OLR 126***, while dealing with removal of an employee from service while posted in Ranchi examined the cause of action falling within the State of Odisha and ultimately found the writ petition maintainable before this Court. This Court have held as follows:

> "4. Learned Advocate for the opp. Parties has referred to the decisions of the Supreme Court in OIL and Natural Gas Commission v. Utpal Kumar Basu and others reported in JT 1994 (5) SC and in State of Rajasthan and others v. M/s. Swaika Properties and another, AIR 1985 SC 1289 to submit that mere service of the appellate order on the petitioner in the State of Orissa cannot form part of the cause of action.
>
> 5. The aforesaid decisions were rendered in the facts and circumstances of those cases. In those decisions the petitioners were companies, which had capacity and ability to avail of their judicial remedies in Rajasthan and Delhi. In fact both the companies appeared and actively participated in the proceeding, administrative and quasi-judicial, in Rajasthan and Delhi. Those Companies deliberately

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selected their forum although they could approach Rajasthan and Delhi High Courts where decision was taken. Even in those two decisions Supreme Court did not lay down any general proposition that service of notice can never form part of the cause of action. We are of the opinion that strict standard applied by the Supreme Court in case of Companies with sufficient resources should not be adopted in case of individual dismissed employee seeking to challenge an order relating to his removal in the State where he has taken shelter in usual course after his removal from service.

6. Right to invoke Article 226 of the Constitution of India to enforce fundamental rights and other legal rights against the State or authority or its agency is a constitutional right. Such right should not be made illusory or unenforceable upon narrow construction of the concept of cause of action. In the present case, the petitioner was a member of the CISF and All India Organization. CISF has admittedly its network of offices and establishments in different parts of India including the State of Orissa. The petitioner is an employee removed from service and in usual course, he had come back to the place of his permanent residence in Orissa to take shelter after he had been removed from service. It is not possible for him a jobless employee to come to the State where he was last posted to avail of his right under Article 226 of the Constitution of India. CISF with its net-work of offices and establishments is not likely to suffer and irreparable prejudice in meeting legal challenge of the petitioner in this Court."

12. Coming to the present facts of the case at hand it is true that the disciplinary proceeding was initiated and concluded while the Appellant was stationed in Jammu. But it is not disputed that after his removal pursuant to the punishment imposed in the disciplinary proceeding, he

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Date: 11-Nov-2026 13:47:35

preferred appeal from his permanent residence within the State of Odisha and revision from that place within State of Odisha. The appeal and the revision was prepared and submitted from Odisha and there was communication of the results of dismissal of appeal and revision to the residential address of the Appellant within the State of Odisha. It remains undisputed that CRPF is an All-India organization having its offices at different parts of the country including the State of Odisha. It has its network through out the country and an employee like the Appellant who was removed from service from one of its offices in Jammu came back to his house in the district of Keonjhar in Odisha State and taking shelter there has approached the Appellate and Revisional Authority. Considering from the angle of the Appellant that he was residing permanently within the State of Odisha and during his course of residence in the State of Odisha he preferred the appeal and revision, it is satisfied that a part of cause of action arose within the territory of Odisha State. After all by maintaining the writ petition before this Court it would not in any way cause harm or prejudice to the Respondents, but on the other hand a jobless employee like the Appellant if allowed to move to other High Court outside Odisha would certainly meet local challenges and financial stringency to pursue his case. Thus, not only considering

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Location: OHC, Cuttack
Date: 11-Nov-2026 13:47:35

from the angle of cause of action partly arose within the State of Odisha, but also the misery of the Appellant, it is held that the writ petition is maintainable before this Court for the reasons stated above. We accordingly disagree with the view of learned Single Judge and hold the writ petition to be maintainable before this Court.

13. The impugned order of leaned Single Judge is thus set aside and the writ petition is restored back to be decided on merit by the appropriate bench.

14. The writ appeal is disposed of as allowed.

(B.P. Routray)
Judge

(Savitri Ratho)
Judge

M.K. Panda,P.A.