
(2016) 3 JKJ 539

Jammu & Kashmir High Court

Case No: SWP No. 1859 of 2001 and MP No. 1897 of 2001

T.R. Chaudhary

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision: July 16, 2016

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2016) 3 JKJ 539

Hon'ble Judges: Mr. Ramalingam Sudhakar, J.

Bench: Single Bench

Advocate: Mr. D.S. Chauhan, Advocate, for the Petitioner; Ms. Sindhu Sharma, ASGI, for the Respondent

Final Decision: Dismissed

Judgement

Mr. Ramalingam Sudhakar, J. - The writ petition is of the year 2001.

2. The writ petitioner challenges order dated 24.03.2001 passed by respondent No.3- Commandant, Central Industrial Security Force, CISF Unit

NALCO Angul Orissa. Writ petition was admitted in the year 2001 and the response has been filed by the official respondents submitting

preliminary objections which is as follows:

Preliminary objections

1. That, the instant service writ petition is not maintainable before the Hon'ble High Court of Jammu and Kashmir for want of lacking territorial

jurisdiction. The power to issue directions, orders or writ under Article 226 (i) of the constitution of India can be exercised by the Hon'ble High

Court exercising its jurisdictions in relation to territories within which cause of action wholly or in part arises. In the present case, while the

petitioner was posted and serving at CISF Unit BIOP Dep-05 Bacheli in the State of Chatisgarh cause of action arise there and hence Hon'ble

High Court of Bilashpur is the competent Court to hear or dispose of the instant case. The petitioner was wrongly filed service writ petition in

Hon'ble High Court of J&K at Jammu. Hence, the instant service writ petition is liable to be dismissed on the ground of lacking territorial

jurisdiction of this Hon'ble High Court. IN the mater of CMWP No. 52276 of 1999 filed by Kedar Singh v. UOI in Hon'ble Allahabad High

Court, the Hon'ble High Court given verdict that ""the order was passed in Bihar. Courts in State of U.P. do not have any territorial jurisdiction to

hear the writ petitions with regard to orders passed in Bihar in view of the Division Bench decision of this Hon'ble High Court reported in AIR

1988, Allahabad 36 Daya Shanker Bhardwaj v. Chief of Air Staff, New Delhi and others"" and the writ petition was dismissed by Hon'ble

Allahabad High Court on 13.12.1999. Photocopy of the Court order is annexed as per Annexure ""A"".

2. That, the petitioner has failed to avail departmental remedy available for him by way of submission of his Revision Petition before the Re-

visioning Authority. He approached to this Hon'ble High Court by filing the instant service writ petition, which is premature in nature.

3. From reading of the objections, it is evident that no cause of action arose within the jurisdiction of this Court to entertain this writ petition. The

petitioner's plea that he received copy of order at Jammu would not suffice and that will not confer jurisdiction, when the entire proceeding had

taken place outside the jurisdiction of this Court.

4. Preliminary objection is sustained for want of territorial jurisdiction.

5. Learned counsel for the petitioner pleaded that he should not be non-suited on the ground of limitation. It is for him to approach the competent

authority and seek for the exclusion of the period during which the writ petition was pending for the purpose of limitation.

6. In this view of the matter, the writ petition is dismissed.