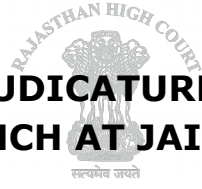




**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 21768/2013

Surendra Singh Son of Harphool Singh, Aged about - 29 years  
(15/8/84), VPO- Charankabas, PO - Parasrampura, Tehsil-  
Nawalgarh, Jhunjhunu (Rajasthan)

-----Petitioner

Versus

1. The State Of Rajasthan through the Superintendent of Police, District Jhunjhnu, Rajasthan.
2. The Director General of Police, Special Sector, Central Reserve Police Force (CRPF), Block No.1, Central Office, Lodhi Road, New Delhi.
3. The Inspector General of Police, Eastern Sector, CRPF, HC-Block, Sector - III, Salt Lake, Kolkata (WB) - 106.
4. The Deputy Inspector General of Police, Central Reserve Police Force, Durgapur - 14 (WB).
5. The Commandant, 138 Bn, CRPF, Sinkiview, Itanagar - 791111.

-----Respondent

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For Petitioner(s) : Mr. M.S. Raghav  
For Respondent(s) : Mr. Praveen Singh Rajawat,  
Mr. Munendra Singh Faujdar for  
Mr. Somitra Chaturvedi

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**HON'BLE MR. JUSTICE PRAVEER BHATNAGAR**

**Reportable:-**

**Judgment**

- |  |                             |
|--|-----------------------------|
| <b>1. Date of conclusion of arguments</b>                                    | <b><u>12/02/2026</u></b>    |
| <b>2. Date on which the judgment was reserved</b>                            | <b><u>12/02/2026</u></b>    |
| <b>3. Whether the full judgment or only the operative part is pronounced</b> | <b><u>Full Judgment</u></b> |
| <b>4. Date of pronouncement</b>  | <b><u>26/02/2026</u></b>    |



1. The present writ petition has been preferred under Article 226 of the Constitution of India, seeking following reliefs:-

*"(i) By an appropriate writ, order or direction the impugned termination order dated 21/2/09 and impugned order dated 10/8/09, 11/5/10 & 24/8/11, passed by the respondents be quashed and set aside, and further pleased to direct the respondents to reinstate the petitioner back on the post of constable (G.D) with all consequential benefits.*

*(ii) Any other appropriate order or direction which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also kindly be passed in favour of the humble petitioner in the interest of justice.*

*(iii) Cost of the writ petition may also kindly be awarded in favour of the petitioner."*

2. Briefly stated, the petitioner was selected and appointed to the post of Constable (GD) in the Central Reserve Police Force pursuant to a recruitment advertisement. During the course of his service, a show cause notice dated 13.08.2008 (Annexure-1) was issued against the petitioner alleging non-disclosure of involvement in a criminal case, against which the petitioner submitted his reply (Annexure-2).

3. Subsequently, a charge memorandum along with relevant documents was served by Respondent No.5 and a departmental enquiry was conducted under Section 11(1) of the CRPF Act, 1949 read with Rule 27 of the CRPF Rules, 1955. Upon conclusion of the enquiry, the disciplinary authority passed an order dated





21.02.2009, removing the petitioner from the services (Annexure A-3).

**Arguments advanced by learned counsel for the Petitioner-**

4. It is contended by learned counsel for the petitioner that there was no deliberate concealment on part of the petitioner, as he was unaware of the alleged incident relating to the year 2001 and no criminal case was pending against him at the time of his appointment. The petitioner being aggrieved by the order of removal dated 21.02.2009, preferred an appeal before the Competent Authority contending that his defence and explanation had not been properly considered in the departmental enquiry and the said appeal came to be rejected vide order dated 10.08.2009.

5. The petitioner thereafter submitted a revision petition before the office of I.G. CRPF, inter alia, contending that mere involvement in a criminal case prior to joining service, particularly when the same ends in acquittal, could not justify termination. However, the said revision petition was rejected vide order dated 11.05.2010.

6. It is further averred that the adverse action culminating in the order of removal was founded upon alleged negligence on the part of the police authorities at Jhunjhunu, who forwarded two police verification reports along with reference to an FIR dated 18.07.2005, indicating that a criminal case was pending against the petitioner and FIR was registered under Sections 341 and 343 Indian Penal Code, 1860. However, as per subsequent communication issued by the concerned police authority vide letter dated 21.10.2008, it was clarified that the criminal case had





already been adjudicated on 09.11.2001 and that the petitioner had been acquitted by the learned Trial Court. It is further pleaded that at the time of the alleged incident the petitioner was a juvenile and therefore, no criminal case was pending against him on the date of selection. It is contended that he had truthfully filled the relevant columns of the verification form and was not required to disclose any pending criminal case.

7. Learned counsel for the petitioner submits that though the order of removal dated 21.02.2009 and the subsequent appellate, revisional and review orders were passed outside the territorial limits of this Court, the same were admittedly communicated to the petitioner at his residential address within the State of Rajasthan and, therefore, part of the cause of action has arisen within this jurisdiction. It is contended that under Article 226(2) of the Constitution of India, even a fraction of the cause of action arising within the territorial limits is sufficient to confer jurisdiction, and that communication of the impugned orders is not a mere formality but an integral fact, as the orders take effect and the civil consequences ensue upon such communication. In support of his argument, reliance has been placed upon following judgments:-

- A. Manohar Singh v. Union of India**, D.B. Civil Special Appeal (Writ) No. 167/2010 (Rajasthan High Court);
- B. Sarwajeet Singh v. Union of India**, S.B. Civil Writ Petition No. 14091/2013 (Rajasthan High Court);
- C. Balu Singh v. Union of India**, 1996 (1) RLW (Raj.) 413;





**D. Nawal Kishore Sharma v. Union of India**, (2014) 9  
SCC 329;

**E. Vishnu Prakash R. Punglia Ltd. v. State of Rajasthan**, S.B. Civil Writ Petition No. 12047/2015  
(Rajasthan High Court);

**F. Rajendran Chingaravelu v. R.K. Mishra**, (2010) 1  
SCC 457.

**G. Balram Singh v. Union of India**, S.B. Civil Writ  
Petition No. 6399/2019 (Rajasthan High Court)

8. On the aforesaid premises, it is asserted that the petitioner was not required to disclose the pendency of any criminal case in the application/verification form and that he had truthfully furnished the relevant information in Columns No. 12(a) and 12(d). It is contended that there was neither any pending case on the date of selection nor any deliberate suppression on his part. Consequently, the petitioner seeks quashing and setting aside of the impugned appellate order dated 10.08.2009, revisional order dated 11.05.2010 and review order dated 24.08.2011 and prays for reinstatement to the post of Constable (GD) with all consequential benefits.

**Arguments advanced by learned counsel for the Respondents -**

9. Per contra, learned counsel appearing for the respondents has at the threshold, raised a preliminary objection with regard to the territorial jurisdiction of this Court. It is contended that the impugned orders, including the order of removal as well as the appellate and revisional orders, were passed by the competent authorities outside the territorial limits of this Court, and that no





part of the cause of action has arisen within the jurisdiction of this Court. It is further submitted that mere communication of the said orders at the petitioner's residential address within the State of Rajasthan would not constitute an integral part of the cause of action so as to confer jurisdiction under Article 226(2) of the Constitution of India. In support of the aforesaid submissions, reliance has been placed upon:

- A. State of Rajasthan v. Swaika Properties**, (1985) 3 SCC 217;
- B. Oil and Natural Gas Commission v. Utpal Kumar Basu**, (1994) 4 SCC 711;
- C. Union of India v. Adani Exports Ltd.**, (2002) 1 SCC 567;
- D. C.B.I., Anti-Corruption Branch v. Narayan Diwakar**, AIR 1999 SC 2362;
- E. Aligarh Muslim University v. Vinay Engineering Enterprises (P) Ltd.**, (1994) 4 SCC 710;
- F. Ex. Rect/GD Vinod Kumar v. Union of India**, 135 (2006) DLT 414 (Delhi High Court);
- G. Gurdial Singh v. Food Corporation of India**, CWP No. 6162 of 2004 (Punjab & Haryana High Court);
- H. Nakul Deo Singh v. Deputy Commandant**, 1999 (3) KLT 629 (Full Bench, Kerala High Court);
- I. Kapil Dev v. Union of India**, 2010:AHC:125612 (Allahabad High Court)
- J. Dinesh Chandra Gahtori v. Chief of Army Staff**, (2001) 9 SCC 525.

10. On merits, the respondents have justified the action of removal on the ground that the petitioner failed to disclose his involvement in a criminal case at the time of verification, which





amounted to suppression of material information. It is further contended that the departmental enquiry was conducted strictly in accordance with the provisions of the CRPF Act, 1949 and the CRPF Rules, 1955, and that there has been no violation of the principles of natural justice or any procedural irregularity warranting interference by this Court. Therefore, it is prayed that the present writ petition be dismissed.

11. I have considered the rival submissions and carefully perused the material available on record.

12. At the outset, it is not in dispute that the order of removal dated 21.02.2009 and the subsequent orders were passed by the competent authorities outside the territorial limits of this Court. It is also not disputed that the said orders were communicated to the petitioner at his residential address within the State of Rajasthan.

### **Jurisdictional Issue -**

13. The core issue that arises for consideration is whether mere service or communication of a termination order upon the petitioner within the territorial limits of this Court would be sufficient to confer territorial jurisdiction under Article 226 of the Constitution of India. The said issue being foundational in nature is required to be adjudicated at the threshold.

### **Analysis by Court -**

14. Before proceeding to examine the rival submissions, it would be appropriate to refer to provision and various judgments passed by the Hon'ble Apex Court and other High Courts, setting out the





territorial jurisdiction of this Court. Article 226 (2) is reproduced for ready reference:-

**“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 exercise 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 warrantor 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) The power conferred on a High Court by this article shall not be in derogation of the power conferred on the Supreme Court by clause (2) of Article 32.]”

15. The bare reading of clause (2) of Article 226 would reveal that the term '*cause of action*' itself is relevant for concluding the Court's territorial jurisdiction. The crucial words are 'only' and 'may also'. The object was not to take away the jurisdiction of the High Courts which they had prior to the introduction of the amendment but, to enable other High Courts to also have jurisdiction provided the cause of action arose within their normal jurisdictional precincts.

16. The scope of territorial jurisdiction came to be examined by the Hon'ble Supreme Court in the case of **State of Rajasthan v. Swaika Properties, (1985) 3 SCC 217**, wherein, M/s Swaika Properties, a company based at Calcutta, had challenged a notice





issued by the Special Town Planning Officer, Jaipur, regarding acquisition of its land situated in Jaipur, by filing a writ petition before the Calcutta High Court. The issue before the Hon'ble Supreme Court was whether the Calcutta High Court possessed territorial jurisdiction merely because the petitioner carried on business at Calcutta, when the land in question and the authority issuing the notice were situated in Rajasthan. The Apex Court set aside the order of the Calcutta High Court and held as under:-

**"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 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. ...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..."**

17. Similarly, the Hon'ble Apex Court in the case of **CBI Anti-Corruption Branch v. Narayan Diwakar, (1999) 4 SCC 656**, observed as under:-

**"5. An objection was raised on behalf of the respondents in the writ petition against the maintainability of the case.** A Single Judge of the High Court allowed the writ petition holding that the Court had jurisdiction to entertain the writ petition and that the case is





a fit one for quashing of the first information reports. **On the question of jurisdiction, the learned Single Judge held that the communication of the wireless message to the respondent at Itanagar, Arunachal Pradesh was a part of the cause of action for filing the writ petition and, therefore, the writ petition filed in the Guwahati High Court was maintainable under Article 226(2) of the Constitution.** On the merits of the case, the learned Single Judge relied on the averments in the writ petition. As noted earlier, the writ petition was allowed. The appeal filed by the appellant before the Division Bench was dismissed at the motion stage. Therefore, the present appeal by the CBI.

**8.** In view of what has been fairly stated by the learned counsel for the respondent, it is not necessary for us to enter into the merits of the case, suffice it to say that on the facts and circumstances of the case and the material on record, **we have no hesitation to hold that the Guwahati High Court was clearly in error in deciding the question of jurisdiction in favour of the respondent. In our considered view, the writ petition filed by the respondent in the Guwahati High Court was not maintainable."**

18. Moreso, the Hon'ble Supreme Court while examining the issue of territorial jurisdiction in the matter of **ONGC v. Utpal Kumar Basu, (1994) 4 SCC 711**, held as under:-

**"12.** Pointing out that after the issuance of the notification by the State Government under Section 52(1) of the Act, the notified land became vested in the State Government free from all encumbrances and hence it was not necessary for the respondents to plead the service of notice under Section 52(2) for the grant of an appropriate direction or order under Article 226 for quashing the notification acquiring the land. **This Court, therefore, held that no part of the cause of action arose within the jurisdiction of the Calcutta High Court. This Court deeply regretted and deprecated the practice prevalent in the High Court of exercising jurisdiction and passing interlocutory orders in matters where it lacked territorial jurisdiction.** Notwithstanding the strong observations made by this Court in the aforesaid decision and in the earlier decisions referred to therein, we are distressed that the High Court of Calcutta persists in exercising jurisdiction even in cases where no part of the cause of action arose within its territorial jurisdiction. **It is indeed a great pity that one of the premier High Courts of the country should appear to have**





developed a tendency to assume jurisdiction on the sole ground that the petitioner before it resides in or carries on business from a registered office in the State of West Bengal. We feel all the more pained that notwithstanding the observations of this Court made time and again, some of the learned Judges continue to betray that tendency. Only recently while disposing of appeals arising out of SLP Nos. 10065-66 of 1993, **Aligarh Muslim University v. Vinay Engineering Enterprises (P) Ltd. [(1994) 4 SCC 710]**, this Court observed:

“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.”

In that case, the contract in question was executed at Aligarh, the construction work was to be carried out at Aligarh, the contracts provided that in the event of dispute the Aligarh court alone will have jurisdiction, the arbitrator was appointed at Aligarh and was to function at Aligarh and yet merely because the respondent was a Calcutta-based firm, it instituted proceedings in the Calcutta High Court and the High Court exercised jurisdiction where it had none whatsoever. 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.”

19. In the case of **Union of India & Ors. v. Adani Exports Ltd. & Anr., (2002) 1 SCC 567**, the Hon’ble Supreme Court held that for a High Court to assume jurisdiction under Article 226, the writ petition must disclose that the material and integral facts pleaded in support of the cause of action constitute a cause





enabling the Court to adjudicate the dispute and that such cause of action, wholly or in part, has arisen within its territorial limits and observed as under:-

"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."

20. In **Kusum Ingots & Alloys Ltd. v. Union of India, (2004) 6 SCC 254**, the Hon'ble Supreme Court authoritatively held that the territorial jurisdiction of a High Court under Article 226 is determined by the place where the cause of action, wholly or in part, arises, and not merely by the situs of the Union of India or Parliament. In the said case, the petitioner-company, registered in Mumbai and having obtained financial assistance from the Bhopal branch of the State Bank of India, challenged the constitutional validity of the SARFAESI Act before the Delhi High Court. The Delhi High Court declined to entertain the petition on the ground of lack of territorial jurisdiction. Affirming the principle, the Hon'ble Supreme Court observed that the expression "cause of





action” signifies the bundle of material facts which the petitioner must plead and prove in order to obtain relief, and that in the absence of such material facts arising within the territorial limits of a High Court, the writ petition would not be maintainable. It was further emphasized that existence of a cause of action within the jurisdiction is a foundational requirement, and in its absence, the petition is liable to be rejected at the threshold.

21. On similar line, the Hon’ble Delhi High Court in the case of **Ex. Rect/GD Vinod Kumar v. Union of India, 135 (2006) DLT 414 (DB)**, wherein it was held that:-

“We may notice that impugned order was passed by the Deputy Director General of Police, CRPF Gauhati-23 on 29th April, 1999 and by the Commandant 6th Battalion CRPF Chimukedima Dimapur (Nagaland) in March, 1998. Revisional order dated 14th December, 1999 dismissing the revision petition filed by the petitioner was passed by Director General, North-Eastern Sector, CRPF Guwahati. The petitioner had filed appeal/revision against the order of dismissal before the authorities at Guwahati. Even the second appeal/representation filed by the petitioner in July, 1999 was addressed to the Inspector General of Police at Shillong, who was the competent authority to take decision upon the representation. **The disciplinary proceedings and all other proceedings against the petitioner were taken place at Gauhati or Shillong i.e. beyond the territorial jurisdiction of this Court. No cause of action or part thereof has arisen within the territorial jurisdiction of this Court.**”

22. In the case of **Gurdial Singh v. Food Corporation of India, 2006 SCC OnLine P&H 435**, the Punjab & Haryana High Court, held as under:

“**13.** Thus, it is well settled that the expression ‘**cause of action**’ means that bundle of facts which the petitioner must prove if travensed to entitle him to a judgment in his favour. In Oil and Natural Gas Commission's case (supra), the Supreme Court had given a word of caution to the High Courts against transgressing into the jurisdiction of other High





**Courts merely on the ground of some insignificant event connected with the cause of action taking place within the territorial limits of the High Court to which the litigant approaches at his own choice or convenience.**

**14.** In a recent decision in the case of **Musaraf Hossain Khan v. Bhageeratha Engineering Limited [J.T. 2006 (3) S.C. 80]**, the Supreme Court has held that "cause of action within the meaning of clause (2) of Article 226 shall have the same meaning as is ordinarily understood. The expression 'cause of action' has a definite connection. It means a bundle of facts which would be required to be proved.

**17.** Similar controversy arose before a **Full Bench of Kerala High Court** in **Nakul Deo Singh v. Deputy Commandant [1999 (3) KLT 629]**, wherein the court was considering the question as to whether the receipt of an order passed by an Appellate Court in disciplinary proceedings would constitute 'cause of action'. After noticing the definition of the 'cause of action', as stated in Mulla's Code of Civil Procedure, 15th Edn. Vol. 1 at page 251 and a decision of the Court of Appeal in Paragaon Finance v. D.B. Thakerar & Co. [(1999) 1 ALLER 400], the **Full Bench has held as follows:—**

**"The fact that a person who was dismissed from service while he was in service outside the State would have to suffer the consequence of that dismissal when he is in his native place by being rendered jobless, is not a fact which constitutes the bundle of facts giving rise to a cause of action in his favour to challenge his dismissal.** That right accrued to him earlier when he was dismissed from service outside the State and he lost his employment. Similarly, when an appeal is filed by him to an appellate authority who is outside the jurisdiction of this High Court and that appeal is dismissed by the appellate authority, the merger in the decision of the appellate authority takes place when the appeal is dismissed and not when the appellant receives the order. **What a writ petition needs to plead as a part of his cause of action is the fact that his appeal was dismissed wholly or in part and not the fact that the order was communicated to him. That plea is relevant only to show when the right of action arose in his favour. The receipt of the order only gives him a right of action on the already accrued cause of action and enables him to meet a plea of laches or limitation raised in opposition. That the consequences of a proceeding in the larger**





sense are suffered by a person in his native place is not a ground to hold that the High Court within the jurisdiction of which the native place is situate is also competent to entertain a writ petition under Article 226 of the Constitution. When a person is dismissed or reduced in rank, he suffers the consequences where he was employed at the relevant time and not in his native place to which he might have retired on his dismissal."

18. This Full Bench judgment has been referred with approval by the Supreme Court in **Musaraf Hossain Khan's case (supra)**."

23. Learned counsel for the petitioner has relied upon the judgment passed by the Division Bench of this Court in the case of **Manohar Singh v. Union of India & Anr.**, D.B. Civil Special Appeal (Writ) No.167/2010, decided on 14.09.2011, wherein it was held that:-

"5. The appellant was a member of armed forces. He was posted at Jammu & Kashmir. While he was working at J&K, he was prosecuted and eventually convicted for an offence punishable under Section 376 of the Act and was accordingly awarded 5 years rigorous imprisonment by the competent court at J&K on 10.3.1993. This sentence was confirmed by another competent authority at New Delhi on 20.5.1993 as per Rules applicable. The writ petitioner was to begin with kept at Central Jail at J&K but after some time, he was shifted to Central Jail at Jodhpur (Rajasthan) to undergo remaining jail sentence. The appellant then filed appeal against the order of conviction from Central Jail Jodhpur before appellate authority i.e. (D.G.) at New Delhi. The appellate authority by its order dated 27.7.1995 dismissed the appeal and upheld the order of conviction. As a consequence, the appellant was dismissed from service on 10.3.1998. All these orders were then communicated to appellant at Central Jail, Jodhpur because at that point of time, the appellant was undergoing jail sentence at Jodhpur.

6. The appellant felt aggrieved of his conviction order so also the appellate order and his dismissal order filed a writ petition out of which this appeal arises and questioned their legality and propriety. According to him, since the impugned orders, i.e. orders of conviction so also the dismissal were served on the appellant at Central Jail at Jodhpur while he was undergoing his jail sentence and hence part of the cause of action accrued at Jodhpur for filing a writ petition in High Court at Jodhpur to question these orders."





24. The aforesaid judgment was rendered in the peculiar facts of that case, where the person against whom the termination order had been passed was in judicial custody at Jodhpur and the impugned order was served upon him while he was confined there. It was in those specific circumstances that the Court held that the High Court at Jodhpur possessed territorial jurisdiction.

25. Similarly, reliance was also placed upon the judgment passed by the Hon'ble Apex Court in the matter of **State of Punjab v. Amar Singh Harika, 1966 SCC OnLine SC 48**, wherein it was held as under:-

"The first question which has been raised before us by Sri Bishan Narain is that though the respondent came to know about the order of his dismissal for the first time on 28th May 1951, the said order must be deemed to have taken effect as from the 3rd June 1949 when it was actually passed. The High Court has rejected this contention, but Mr Bishan Narain contends that the view taken by the High Court is erroneous in law. We are not impressed by Mr Bishan Narain's argument. It is plain that the mere passing of an order of dismissal would not be effective unless it is published and communicated to the officer concerned. If the appointing authority passed an order of dismissal, but does not communicate it to the officer concerned, theoretically it is possible that, unlike in the case of a judicial order pronounced in Court, the authority may change its mind and decide to modify its order. It may be that in some cases, the authority may feel that the ends of justice would be met by demoting the officer concerned rather than dismissing him. An order of dismissal passed by the appropriate authority and kept with itself cannot be said to take effect unless the officer concerned knows about the said order and it is otherwise communicated to all the parties concerned. If it is held that the mere passing of the order of dismissal has the effect of terminating the services of the officer concerned, various complications may arise. If, before receiving the order of dismissal, the officer has exercised his power and jurisdiction to take decisions or do acts within his authority and power, would those acts and decisions be rendered invalid after it is known that an order of dismissal had already been passed against him? Would the officer concerned be entitled to his salary for the





period between the date when the order was passed and the date when it was communicated to him? These and other complications would inevitable arise if it is held that the order of dismissal takes effect as soon as it is passed. However, it may be communicated to the officer concerned several days thereafter. It is true that in the present case, the respondent had been suspended during the material period, but that does not change the position that if the officer concerned is not suspended during the period of enquiry, complications of the kind already indicated would definitely arise. We are, therefore, reluctant to hold that an order of dismissal passed by an appropriate authority and kept on its file without communicating it to the officer concerned or otherwise publishing it will take effect as from the date on which the order is actually written out by the said authority; such an order can only be effective after it is communicated to the officer concerned or is otherwise published. When a public officer is removed from service, his successor would have to take charge of the said office; and except in cases where the officer concerned has already been suspended, difficulties would arise if it is held that an officer who is actually working and holding charge of his office, can be said to be effectively removed from his office by the mere passing of an order by the appropriate authority. In our opinion, therefore, the High Court was plainly right in holding that the order of dismissal passed against the respondent on the 3rd June 1949, could not be said to have taken effect until the respondent came to know about it on the 28th May 1951."

26. The said judgment was rendered in different factual and legal context, namely, for determining the point of time from which an order of dismissal becomes effective upon its communication to the concerned employee. The Hon'ble Supreme Court therein was concerned with the efficacy and enforceability of an order of termination vis-à-vis the requirement of communication, and not with the issue of territorial jurisdiction under Article 226(2) of the Constitution of India or the situs of cause of action for the purpose of maintainability of a writ petition.

27. Similarly, the judgment passed by the Co-ordinate Bench of this Court in the case of **Sarwajeet Singh v. Union of India &**





**Ors.,** S.B. Civil Writ Petition No. 14091/2013, decided on 17.12.2015, it was held as under:-

“It is not in dispute that the petitioner was serving at West Bengal when he was served with a memorandum of charges, the inquiry was conducted at West Bengal, the order of removal was passed and served while the petitioner was serving at West Bengal and he preferred his appeal from West Bengal itself. However, the order passed by the appellate authority was addressed to and served on the petitioner at his address at Sriganganagar (Rajasthan).

In view of the above, it is apparent that communication of the order of punishment to the officer concerned is sine qua non for making the same effective and communication of the order may give rise to a cause of action and as has been held in the case of Manohar Singh (surpa), it does give a part cause of action. It may also be observed that no distinction can be made between the service of order of dismissal/removal passed by the Disciplinary Authority and the order of Appellate Authority rejecting an appeal filed against the order of dismissal/removal. When an appeal is filed against the order of removal and the Appellate Authority passed an order thereon, the order of the Disciplinary Authority would merge into the Appellate Authority’s order and, therefore, the principles governing case of action with respect to the order issued by the Disciplinary Authority have to be applied to orders issued by the Appellate Authority.

In view of the above discussion, it is apparent that as the appellate order was served on the petitioner at Sriganganagar (Rajasthan), a part cause of action has arisen within the territorial jurisdiction of this Court and, therefore, the writ petition filed by the petitioner is maintainable before this Court. The preliminary objection raised by the respondents is, therefore, overruled and rejected.”

28. The said judgment was again rendered in the peculiar facts of that case where the Court, following **Manohar Singh (Supra)**, treated service of the appellate order within the State as giving rise to part cause of action.

29. Further, reliance was also placed upon the recent judgment passed by the Co-ordinate Bench of this Court in the case of **Balram Singh v. Union of India & Ors.,** S.B. Civil Writ Petition





No. 6399/2019, decided on 13.01.2026, wherein the Court observed as under:-

“Some of the impugned orders have been served the petitioner within the territorial jurisdiction of this Court. The respondents have their Standing/Penal counsels at this Court who regularly attends the Court proceedings. One of the requirement of provision of natural justice is that one should get proper opportunity of hearing which includes that he could avail the legal remedy under law easily. A person who has been dismissed from service may not have sufficient funds and source of income to go at a far away place to avail the legal remedy. The respondents in this case have not been able to point out how their case is prejudiced if entertained by this Court. When no prejudice is caused to the respondents, then in the light of the facts of this case it would be appropriate for this Court to entertain this petition.”

30. In this case, the writ petition was entertained in the peculiar facts, primarily on considerations of natural justice, accessibility of remedy and absence of prejudice to the respondents. The decision was thus rendered on equitable considerations and not on a strict application of the principles governing territorial jurisdiction under Article 226(2) of the Constitution.

31. Therefore, it is safe to conclude that the judgments relied upon by the petitioner were rendered in distinct and peculiar factual circumstances and are not applicable to the facts of the present case.

**Conclusion -**

32. Upon consideration of the various judgments rendered by the Hon'ble Supreme Court and the High Courts, the consistent legal position that emerges is that the invocation of territorial jurisdiction under Article 226 of the Constitution of India is dependent upon the place where the cause of action, wholly or in





part, arises, and not merely upon the location of the parties or the place where the order is communicated. Ordinarily, in matters relating to termination of service, the cause of action arises at the place where the disciplinary proceedings are initiated, conducted and concluded, and where the impugned order is passed. The residential address of the employee, by itself, has no nexus with the disciplinary process. In a different factual matrix, for instance, where the charge pertains to wilful absence or abandonment of duty and the charge-sheet or notices are required to be served at the employee's residential address, the place of such service may assume relevance in determining territorial jurisdiction; however, such determination would necessarily depend upon the nature of the charges and the role of service of notice in completing the cause of action.

33. In the present case, the disciplinary proceedings were neither initiated nor conducted within the territorial limits of this Court. The order of termination was issued outside the State and the appeal preferred by the petitioner was also considered and decided outside the jurisdiction of this Court. The petitioner's place of residence does not constitute an essential or integral fact for adjudication of the disciplinary action. The communication of the termination order at the petitioner's residential address merely confers knowledge of the decision already taken and, at best, furnishes a right to initiate proceedings; it does not, in the facts of the present case, form part of the bundle of material facts constituting the cause of action.





34. Therefore, upon examining the matter on the touchstone of the 'cause of action' and the situs theory, and having regard to the settled legal position governing territorial jurisdiction under Article 226(2) of the Constitution of India, this Court is of the considered opinion that no part of the cause of action has arisen within the territorial limits of this Court and the petitioner has wrongly invoked the writ jurisdiction of this Court. The petitioner's right to sue had, in fact, crystallized earlier when he was dismissed from service outside the State, resulting in loss of employment, and the termination order as well as the appellate decision were both passed and decided in State of Arunachal Pradesh.

35. Resultantly, the instant writ petition is dismissed in limine on the ground of lack of territorial jurisdiction. However, the petitioner shall be at liberty to approach the appropriate forum for redressal of his grievance.

36. All pending application(s), if any, also stand disposed of. There shall be no order as to costs.

**(PRAVEER BHATNAGAR),J**

Ramesh Vaishnav/86

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