

(2016) 06 P&H CK 0084
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 24102 of 2014.

Jai Pal Singh - Petitioner @HASH Union of India and Others

Date of Decision : 03-06-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 4 PLR 857

Hon'ble Judges : Surya Kant and A.B. Chaudhari, JJ.

Bench : Division Bench

Advocate : Mr. D.R. Sharma, Advocate, for the Respondent Nos. 2 and 3

Final Decision : Dismissed

Judgement

A.B. Chaudhari, J. - The petitioner has challenged the order dated 16.01.2013 passed by the Central Administrative Tribunal (for short "CAT"), Chandigarh Bench, Chandigarh in Original Application (for short "OA") No.777/JK/2010.

2. It is not in dispute that the present petitioner who was the original applicant before the Tribunal had filed his OA before the registry of Circuit Bench of the Tribunal at Jammu and Kashmir and therefore, his OA was registered as OA No.777/JK/2010. The application filed by the applicant before the Tribunal thus, arose from the registry of Circuit Bench of CAT at Jammu and Kashmir. The fact that the Bench of Tribunal is functioning at Chandigarh, would not shift the jurisdiction from Jammu and Kashmir High Court to the seat of High Court of Punjab and Haryana at Chandigarh. On the contrary, since the original application filed by the applicant arose from Jammu and Kashmir, the territorial jurisdiction would be of the Jammu and Kashmir High Court, even, though the OA was decided by the CAT Chandigarh Bench, Chandigarh, and that a small part of cause of action has arisen within the territorial jurisdiction of Punjab and Haryana High Court. The Apex Court in the case of Kusum Ingots and Alloys Ltd. v. Union of India and another (2004) 6 SCC 254, stated thus, in Para 30 of the judgment:-

"Forum Conveniens

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. [See Bhagar Singh Bagga v. Dewan Jagbir Sawhany, Mandal Jalan v. Madanlal, Bharat Coking Coal Ltd. v. Jharia Talkies & Cold Storage (P) Ltd. (1997), S.S. Jain & Co. v. Union of India and New Horizon Ltd. v. Union of India.]

3. We are, therefore, of the opinion that Jammu and Kashmir High Court has jurisdiction to decide the present writ petition. Similar view has been taken in the case of Union of India and others v. Dheeraj Gupta and others 2010 (3) SCT 570 and CWP No.24045 of 2012 Union of India and others v. Ashok Kalra and another.

4. The writ petition is accordingly, dismissed for want of territorial jurisdiction with the direction to the registry to return the paper book to the petitioner for its presentation before the High Court of competent jurisdiction.