

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

SWP No. 1245/2007

*Reserved on : 29.01.2026**Pronounced on: 25.02.2026**Uploaded on : 26.02.2026*

*Whether the operative part or full
judgment is pronounced: Full*

**Noshad Ahmed, Aged 29 Years,
R/o Village Harni Gulhuta,
Tehsil Mendhar, District Poonch**

.... Petitioner/Appellant(s)

Through:- Mrs. Surinder Kour, Sr. Advocate with
Mr. Michael Singh Dogra, Advocate.

Vs

1. **Union of India
through Home Secretary,
Ministry of Home Affairs,
Government of India,
New Delhi**
2. **Director General of Police,
CRPF, CGO Complex,
Lodhi Road, New Delhi**
3. **Inspector General of CRPF,
North West Zone,
Hallo Mazara, Chandigarh
C/O 56 APO.**
4. **Deputy Inspector General,
Central Reserve Police Force,
GC CRPF, Jalandhar (PB)
C/O 56 APO**
5. **Commandant (127th Bn.)
Central Reserve Police Force,
C/o 56 APO**

.....Respondent(s)

Through:- Mr. Sumant Sudan, Advocate vice
Mr. Vishal Sharma, DSGI.

CORAM: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE
JUDGMENT

PRAYER

1. The petitioner, through the medium of the instant writ petition has sought the following reliefs:

- “i) To quash Order No. P.VIII.1/2006-127-Estt.II dated 29.08.2006 issued by the Commandant, 127 Bn. CRPF, whereby the petitioner has been awarded the punishment of removal from service with effect from 29.08.2006; Order No. R.XIII-5/06-JDR-EC.I dated 14.11.2006 whereby the appeal of the petitioner has been rejected by the DIG; and Order No. R.XIII-1/2007-EC-3 dated 16.05.2007 whereby the revision of the petitioner has been dismissed by the IG; and also to quash the office memorandum, charges framed against the petitioner vide order dated 20.01.2006, and the entire departmental enquiry proceedings, by issuance of a writ of certiorari.*
- ii) To issue directions to the respondents to consider the case of the petitioner for reinstatement and to allow the petitioner to resume duties on the post of Constable (GD), on which the petitioner was working prior to the issuance of the removal order, and to pay salary to the petitioner on the said post along with all consequential service benefits, and to treat the period from the date of removal from service, i.e., 29.08.2006, till the date of rejoining as “on duty”, by issuance of a writ of mandamus.*
- iii) To issue directions restraining the respondents from treating the period from 29.08.2006 till the date the petitioner rejoins the unit as “break in service”, by issuance of a writ of prohibition.*
- iv) To issue directions to the respondents to produce the entire original record of the departmental enquiry proceedings before this Hon’ble Court, by issuance of a writ of mandamus.*
- v) To declare the aforesaid orders dated 29.08.2006, 14.11.2006 and 16.05.2007, the office memorandum, charges framed vide order dated 20.01.2006, and the departmental enquiry proceedings as ultra vires, illegal, arbitrary, unconstitutional, unjust, contrary to the provisions of the CRPF Act and Rules, and violative of the principles of natural justice, by issuance of an appropriate writ, order or direction.”*

2. The petitioner was appointed as Constable (GD) in the Central Reserve Police Force (hereinafter referred to as ‘CRPF’) on 22nd June 1996 and

was allotted No.9614412029. The petitioner claimed to have undertaken training at RTC-4, CRPF, Humhama, Srinagar, and was thereafter posted in 74 Bn. CRPF, Doda (Jammu). Subsequently, he was posted in 137 Bn. CRPF, Jalandhar and 127 Bn. CRPF, Delhi. The petitioner performed his duties efficiently, honestly and to the entire satisfaction of his superiors and has served CRPF with utmost care and caution.

3. It is stated that, while the petitioner was discharging his duties, allegations were levelled against him to the effect that he, along with Constable (GD) Manbagh Singh No. 941345501, committed misconduct, disobedience of orders, neglect of duty and remissness under Section 11(1) of the CRPF Act, 1949. The charge sheet reflects that the petitioner, along with Constable (GD) Manbagh Singh, was involved in a fight with CHM Kanwar Singh during the intervening night of 20.12.2005, in which the said CHM sustained injuries on his forehead and other parts of the body. The petitioner was served with a detailed charge sheet on 20.01.2006.
4. It is the specific case of the petitioner that the respondents did not conduct any proper enquiry and, without conducting an enquiry as envisaged under the CRPF Act and Rules, passed the order dated 29.08.2006, whereby the petitioner was awarded the punishment of removal from service w.e.f. 29.08.2006.
5. In addition, the petitioner contended that the respondents conducted a joint enquiry against the petitioner and Constable (GD) Manbagh Singh, whereas under the provisions of the CRPF Act and the Rules

framed thereunder, the allegations are required to be proved against each individual separately.

6. The petitioner filed a statutory appeal under Rule 28 of the CRPF Act and Rules against the order of dismissal passed by the DIG and the respondents, vide order dated 14.11.2006, rejected the appeal of the petitioner being devoid of any merit.
7. Thereafter, feeling aggrieved of the same, the petitioner has preferred a revision against the order dated 14.11.2006 under Rule 28 of the CRPF Act and Rules framed thereunder whereby the IG rejected the appeal/revision of the petitioner vide order dated 16.05.2007.

Submissions on behalf of the petitioner:

8. Mrs. Surinder Kour, learned Senior Counsel for the petitioner, has vehemently argued that the respondents did not conduct a proper enquiry as prescribed under Rule 27 of the CRPF Rules, on which reliance has been placed.
9. Learned Senior Counsel for the petitioner has drawn the attention of this Court to Rule 27 of the CRPF Rules, which prescribes the procedure for conducting a detailed enquiry that is required to be followed by the respondents. It is submitted that the respondents failed to follow the said procedure in letter and spirit and, therefore, the impugned order is liable to be quashed.
10. Relying upon the aforesaid provision of Rule 27 of the CRPF Rules, learned senior counsel for the petitioner submits that no proper enquiry was conducted and that no copy of the enquiry proceedings was furnished to the petitioner. It is the specific case of the petitioner

that the respondents conducted the proceedings ex parte and that the petitioner was neither afforded any opportunity of being heard nor given any opportunity to cross-examine the witnesses.

11. It is further alleged that the statements of the witnesses were not recorded in the presence of the petitioner and that no copy of the proceedings was supplied to him. Thus, the respondents have acted in breach of the procedure prescribed under Rule 27 of the aforesaid Rules. Consequently, the impugned order cannot sustain in the eyes of law and is liable to be quashed.
12. Learned senior counsel for the petitioner also submits that the respondents have imposed a major penalty upon the petitioner. However, for imposing a major penalty, the respondents were required to follow the procedure envisaged under Rule 14 of the CCS (CCA) Rules, 1965. Under Rule 14, a charge sheet is required to be framed and the delinquent official must be afforded a reasonable opportunity to submit a reply thereto. Though a charge sheet was framed, no effective opportunity was given to the petitioner to submit his reply. The petitioner was also not afforded an opportunity to cross-examine the witnesses or to produce defence witnesses. Despite this, a major punishment has been imposed. Therefore, the entire procedure stands vitiated and, as a consequence, the impugned order is liable to be quashed.
13. In addition, learned senior counsel for the petitioner has drawn the attention of this Court to Rule 27(d)(1) of the CRPF Rules. A perusal thereof reveals that where two or more members of the Force,

including those on deputation to the Force, are concerned in any case, the Inspector General, or any other authority competent to impose the penalty of dismissal from service on all such members of the Force, may make an order directing that disciplinary action against all of them be taken in a common proceeding.

14. Learned senior counsel for the petitioner further submits that the aforesaid Rule has also not been followed in the instant case, as it was obligatory upon the Inspector General to pass an order directing that disciplinary action against the petitioner and the other person, who was also involved in the same incident, be taken by way of common proceedings.
15. However, the petitioner has specifically pleaded that the respondents conducted a joint enquiry against the petitioner and Constable (GD) Manbagh Singh, whereas under the provisions of the CRPF Act and the Rules framed thereunder, the allegations are required to be proved against each individual separately. Thus, according to learned senior counsel for the petitioner, the respondents have acted in derogation of the mandate and spirit of Rule 27(d)(1). Consequently, the proceedings initiated thereafter stand vitiated and are liable to be quashed.
16. Lastly, learned senior counsel for the petitioner has argued that the entire enquiry proceedings are liable to be vitiated on the ground that the doctor was not examined and the medical report was not supplied to the petitioner. On this ground alone, the impugned order cannot sustain in the eyes of law.

Submissions on behalf of the respondents:

17. In rebuttal, the respondents have filed a detailed counter affidavit, wherein the averments made by the petitioner have been denied. A preliminary objection has also been raised regarding the jurisdiction of this Court to entertain the instant petition. Mr. Suman Sudan, Advocate, appearing vice Mr. Vishal Sharma, learned DSGI, in his preliminary objections has stated that this Court lacks inherent jurisdiction to adjudicate the instant matter, as the order impugned in the present petition was issued at Delhi and, therefore, the Delhi High Court has jurisdiction to entertain the petition. It is further submitted that the appeal was preferred before the appellate authority at Jalandhar, Punjab, and on this ground as well, the present petition is not maintainable before this Court. On both counts, it is prayed that the writ petition be dismissed as not maintainable.
18. It has further been prayed that, as the petitioner has suppressed material facts, the writ petition is liable to be dismissed.
19. It is the specific stand of the respondents that, prior to the issuance of the memorandum and charge sheet, a preliminary enquiry was conducted in which it was established that the petitioner and Constable (GD) Manbagh Singh committed acts of misconduct, disobedience of orders, and neglect of duty as members of the Force. The allegation that only Constable (GD) Manbagh Singh, while on duty, committed such misconduct is stated to be false and a misrepresentation of facts.

20. It is further the case of the respondents that, since the petitioner and Constable (GD) Manbagh Singh were involved in the same act of misconduct, it was deemed appropriate to conduct a joint departmental enquiry. The allegations against both officials were proved in the departmental enquiry, which, according to the respondents, was conducted strictly in conformity with the provisions of the CRPF Act and the Rules framed thereunder, therefore, the petitioner cannot be absolved of his liability.
21. The respondents have taken a further stand that the petitioner was liable to be punished under Section 11 of the CRPF Act read with Rule 27 of the CRPF Rules. Insofar as the allegations of the petitioner that an ex parte departmental enquiry was conducted and that he was not afforded any opportunity of being heard are concerned, the respondents have specifically denied the same. It is contended that, during the departmental enquiry, the petitioner was afforded adequate opportunity to participate and, in fact, participated in the enquiry proceedings. He was granted sufficient opportunities at every stage of the enquiry before the Inquiry Officer arrived at the final findings.
22. It is further stated that a copy of the enquiry report was supplied to the petitioner with advice to submit his representation within 15 days from the date of receipt of the report. However, the petitioner, in writing, stated that he did not wish to submit any reply and that any action taken by the competent authority would be acceptable to him. This, according to the respondents, is evident from the record placed on file along with the counter affidavit.

23. Thus, according to the respondents, the allegation of the petitioner that he was not afforded sufficient opportunity is an afterthought and a misrepresentation of facts, which has been specifically denied as being contrary to the record.
24. The respondents have further pleaded that an initial preliminary enquiry was conducted, in which a *prima facie* case of misconduct was made out against the petitioner, a member of the Belt Force. Keeping in view the gravity of the offence, charges were framed against the petitioner as well as Constable (GD) Manbagh Singh. Thereafter, a full-fledged departmental enquiry was conducted, in which the petitioner participated. During the enquiry proceedings, the petitioner was afforded ample opportunities from time to time to defend his case. The Inquiry Officer, upon conclusion of the enquiry, returned findings holding the petitioner guilty of misconduct, and accordingly, he was punished under Section 11 of the CRPF Act read with Rule 27 of the CRPF Rules.
25. It is further stated that a copy of the findings of the Inquiry Officer was supplied to the petitioner along with advice to prefer an appeal within 15 days from the date of receipt of the order. Therefore, the allegation of the petitioner that he was not supplied a copy of the report or other relevant documents and was not afforded an opportunity to defend his case has been vehemently denied as being contrary to the record.
26. From a perusal of the service record of the petitioner, it is stated that he had remained undisciplined on earlier occasions and had been

suitably punished from time to time, while also being provided opportunities to improve his conduct. Despite this, the petitioner allegedly committed a grave offence involving a scuffle and manhandling of his senior officer.

27. The respondents further state that, prior to the passing of the dismissal order dated 29.08.2006, which is the subject matter of the present petition, a full-fledged departmental enquiry was conducted strictly in conformity with the Act and the Rules framed thereunder. The respondents have also taken the stand that the petitioner had been awarded five punishments during a short span from July 1999 to June 2002 and was given sufficient opportunity to improve himself. However, he continued to indulge in gross indiscipline, which ultimately led to the passing of the impugned order.
28. The allegations levelled by the petitioner in Grounds 15(A) and 15(B) have been specifically denied by the respondents in the detailed counter affidavit.
29. It is stated that the departmental enquiry was conducted strictly in accordance with the provisions of Rule 27 of the CRPF Rules.
30. Mr. Suman Sudan, Advocate, appearing vice Mr. Vishal Sharma, learned DSGI, has also drawn the attention of this Court to the order passed by the appellate authority dated 14.11.2006. A perusal thereof reveals that a joint departmental enquiry was ordered by the Commandant, 127 Bn., vide memorandum dated 20.01.2006, against the petitioner and Constable (GD) Manbagh Singh, wherein Shri Y.K.

Rajput was appointed as the Inquiry Officer to inquire into the articles of charge.

31. Thus, according to learned counsel for the respondents, the order for conducting the joint departmental enquiry was issued by the Commandant in terms of Rule 27(d)(1). However, to the contrary, learned senior counsel for the petitioner submits that it was not the Commandant who was competent to pass such an order, rather, the power vested with the Inspector General, CRPF. Therefore, the order, even if issued by the Commandant, is not legally sustainable and is liable to be set aside.
32. Lastly, learned counsel for the respondents submits that a plain reading of Rule 27(d)(1) shows that emphasis is laid on the word “may”, which makes the provision directory in nature and not mandatory, even assuming that the order was not issued by the competent authority, as alleged by the petitioner.
33. Learned counsel for the respondents lastly submits that, as this Court lacks inherent jurisdiction to adjudicate the controversy in question, and as the petition is devoid of merit, the same is liable to be dismissed.
34. Heard learned counsel for the parties and perused the material on record.
35. The Learned counsel for the respondents has raised a preliminary objection to the maintainability of the writ petition on the ground that this court lacks territorial jurisdiction to entertain the writ petition. It has been submitted that the alleged incident of

misconduct and its enquiry took place at New Delhi, the impugned order of dismissal was passed by the concerned Commandant in New Delhi, the statutory appeal was rejected by the DIG in Jalandher and subsequently the revision petition was also dismissed by Inspector General of the CRPF in Chandigarh, all occurring at places that outside the territorial limits of this Court.

36. Per contra learned counsel for the petitioner has submitted that though the orders by which appeal and revision have been rejected may have been passed at any place but were served at the residential address of the petitioner which is within the jurisdiction of this court, as such a part of cause of action arises within the territorial limits of this Court and thereby vesting this court with the jurisdiction to entertain the present writ petition.

Legal analysis

37. Having considered the arguments advanced by both the parties, and perusing the record, it emerges that it is an admitted fact that the alleged incident occurred in New Delhi, the impugned order of dismissal dated 29.08.2006 was issued by a competent Commandant in New Delhi. The statutory appeal preferred by the petitioner was thereafter rejected by the DIG at Jalandhar vide order dated 14.11.2006. Subsequently, the revision petition was also dismissed by the Inspector General, CRPF at Chandigarh vide order dated 16.05.2007.
38. Since, the disciplinary authority, the appellate authority and the revisional authority are all situated outside the territorial limits of

this court, no substantial part of cause of action can be said to have accrued within the jurisdiction of this Court. The mere fact that the petitioner is a resident of District Poonch or the order of dismissal and order of rejection of appeal and revision was served to him at his residential address, does not entitle the petitioner to file his writ petition before this High Court.

39. In this context, the Hon'ble Supreme Court in **Oil and Natural Gas Commission v. Utpal Kumar Basu (1994) 4 SCC 711** has categorically held that the High Court must satisfy itself that a material, essential or integral part of cause of action has arisen within its territorial jurisdiction before entertaining a writ petition. The Court cautioned against entertaining petitions merely because some insignificant or trivial event occurred within its jurisdiction. It was further held that the mere service of notice or communication of an order at a particular place does not by itself constitute a part of cause of action.
40. The Hon'ble Supreme Court in **Kusum Ingots & Alloys Ltd. v. Union of India (2004) 6 SCC 254** further clarified that even if a small fraction of cause of action accrues within the jurisdiction of a High Court, the same must have a real and substantial nexus with the dispute involved. The Court emphasized that the expression "cause of action" cannot be interpreted liberally so as to permit litigants to choose a forum of convenience. Territorial jurisdiction cannot be allowed to depend upon the unilateral act of a party, such as shifting residence or receiving communication at a chosen

location. To permit such interpretation would encourage forum shopping and undermine the orderly administration of justice.

41. From the stand point of the Disciplinary Authority there was no alternative but to communicate the said order at the native place of the petitioner in Jammu and Kashmir. However, the mere service of an order at a particular location does not by itself give rise to a territorial cause of action at that site. To hold otherwise would allow the petitioner to unilaterally dictate jurisdiction simply by relocating to a forum of their choice. Such a result would contradict legislative intent and invite 'forum shopping'. Territorial jurisdiction is a matter of law rooted in the essential facts of the dispute, it is not a mobile privilege dependent upon the convenience or residence of the petitioner.

42. In this regard, I am supported by the judgement of Allahabad High Court in case titled *Director General, CRPF v/s Lalji Pandey 'Special Appeal No.342 of 2010'* decided on 18.03.2010 whereby the Hon'ble court has held as under:

"Mere communication of these orders at the residential address of the respondent at district Bhadohi would not confer territorial jurisdiction to this Court. It has been held by the Full Bench of this Court in the case of Rajendra Kumar Mishra (supra) that mere residence of the petitioner within the territorial jurisdiction of this Court would not confer the jurisdiction to this Court to entertain the writ petition in which the order under challenge has been passed out side the State of U.P. The writ petition would be maintainable in the territorial

jurisdiction of the High Court in which the impugned order was passed.”

43. Reliance is also placed on the judgement of this Court passed in **SWP No. 1175/2011** titled **Shahnawaz Ahmad vs. Union of India and another decided on 26.07.2023**. The relevant part of the judgment is reproduced hereunder:

“15) Coming to the facts of the instant case, the fact that the petitioner came to know about the order whereby he was declared as 'deserter' as also the order whereby he was terminated from service when he was at Kashmir, are not such facts as would form a part of cause of action in his favour. None of the acts that are under challenge in this writ petition have been done by the respondents in Jammu and Kashmir. The plea of receipt of termination order does not give jurisdiction to a Court to entertain the writ petition. It is only those facts which relate termination of services of the petitioner and the enquiry conducted against him that would determine the seat of jurisdiction. All these events have taken place outside the territorial limits of this Court.

16) In the above context, I am supported by the judgment of this Court in the case of [Zahoor Ahmad Baba vs. Union of India & Ors.](#) 2012 (3) JKJ 119[HC], wherein this Court has held that only the Court having territorial jurisdiction over the place where the dismissal order was made can entertain the writ petition challenging such dismissal order. It was further held that the mere fact that the petitioner had received copy of the impugned order at Ganderbal within the jurisdiction of this Court does not confer jurisdiction upon this Court to entertain and deal with the petition. The ratio laid down in the aforesaid judgment is squarely applicable to the present case.

Therefore, this Court does not have jurisdiction to entertain the writ petition.”

The aforesaid principle of law is squarely applicable to facts and circumstances of the instant case.

44. It is a settled principle of law that a High Court can exercise jurisdiction under article 226 (2), where any cause of action or at least a fraction of cause of action arises within its territory. The Hon'ble Supreme Court in *Alchemist Ltd. v. State Bank of Sikkim (2007) 11 SCC 335* has reiterated that only those facts which have a direct nexus with the *lis* constitute cause of action and that facts which are merely incidental or ancillary cannot confer territorial jurisdiction. The Court held that the residence of the petitioner or the place where communication of an order is received does not furnish a part of cause of action unless such fact has a direct bearing on the dispute. The principle relevant for determination in the present matter is that the cause of action, whether in whole or in part, or even a fraction thereof, must constitute a material, integral or essential component of the *lis*. The grievance sought to be assailed by the petitioner in the present writ petition pertains to the disciplinary enquiry proceedings and the consequential order of dismissal followed by the rejection of his appeal and revision passed by the respondents. Any cause of action, or part thereof, must therefore be directly connected with the aforesaid events. The mere supply or service of the copies of documents at the residential of the petitioner does not give rise to any cause of action, nor even a fraction thereof, so as to vest this court with the jurisdiction to entertain the petition. It is well established that both expression cause of action denotes every fact which the petitioner would be required to establish, if controverted, in order to substantiate his entitlement to relief from the court. It must include some act done by the respondents, since in the absence of such an act no cause of action would possibly accrue or would arise.

45. None of the acts under challenge in this writ petition have been done by the respondents in Jammu and Kashmir. The plea of receipt of the copies of orders pertaining to dismissal, rejection of appeal and revision does not give jurisdiction to a court to entertain the writ petition. It is only those facts which relate to termination of services of the petitioner and the enquiry proceedings conducted against him that would determine the site of jurisdiction. In the instant case, no such event has taken place in J&K as would give jurisdiction to this court to entertain the present writ petition.
46. In the similar facts and circumstances, the High Court of Madhya Pradesh in case titled *Union of India and others vs. Satish Kumar reported as 2026:MPHC-GWL:1541*, has held as under:

“13. It is an admitted fact that the order of dismissal was passed by the authority situated at District Lower Siang (Arunachal Pradesh). The appellate orders were passed by the authority at Arunachal Pradesh respectively. The said orders were communicated to the respondent/petitioner at Bhind because he was unauthorizedly absent from service. For the appellant authority there was no other place to communicate the said order, therefore, the same was sent to native place of the respondent/petitioner at Bhind. Merely because the orders were served at Bhind, it cannot be said that any part of cause of action arose at Bhind. If the submission made by the counsel for the respondent/petitioner is accepted, then any person while shifting to a place of his choice falling within the territorial jurisdiction of a particular Court may claim that the said Court has a territorial jurisdiction. That cannot be the intention of the legislature. The territorial jurisdiction of a Court is not dependent upon the mercy of the

respondent/petitioner, but it is dependent upon the cause of action. The cause of action would mean those disputed issues which are required to be decided while adjudicating the claim of the litigating parties. When the place of residence of litigating party has no relevance with subject-matter of the lis, then the same cannot be said to be an integral part of cause of action.”

Conclusion:

47. When a Court lacking territorial jurisdiction proceeds to entertain a writ petition, such defect goes to the very root of the matter and constitutes an inherent infirmity which is not curable. As this court does not possess the requisite jurisdiction to entertain the present writ petition, it cannot proceed to adjudicate upon the merits of the case.
48. This court, therefore, is of the considered view that since the entire enquiry proceedings, from issuance of the charge sheet to the final dismissal of the petitioner, occurred outside the territorial limits of this court, no cause of action has accrued in favour of the petitioner within the jurisdiction of this High Court. Thus, this court finds no reason or justification to entertain the instant writ petition and accordingly, is of the view that this writ petition is not maintainable for want of territorial jurisdiction of this Court.
49. Since the Court is of the view that this Court does not have the territorial jurisdiction to decide the issue in question, this court is not dwelling upon the merits of the case and accordingly, the writ petition is **dismissed** for lack of territorial jurisdiction. However, the dismissal will not come in the way of the petitioner to file petition before the court of appropriate territorial jurisdiction and in that eventuality, the period which has been spent over here by choosing the wrong forum shall

not come in the way of the petitioner to agitate the cause afresh.

50. Registry is directed to handover the original record to Mr. Vishal Sharma, DSGI, Learned Counsel for the respondents, against proper receipt.
51. Dismissed in the above manner.

(Wasim Sadiq Nargal)
Judge

Jammu:

25.02.2026

Gh. Nabi/ Jt. Reg.

Whether approved for reporting : Yes
Whether the order is speaking : Yes

