



2026:DHC:4294-DB



\$~51

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 14<sup>th</sup> May, 2026*

+ W.P.(C) 6585/2026 & CM APPL. 32450/2026

ASI EXE RAJENDER KUMAR .....Petitioner  
Through: Counsel for the Petitioner  
(appearance not given).

versus

UNION OF INDIA & ORS. ....Respondents  
Through: Mr. Mayank Rustagi, SPC,  
Ms.Swati, Advocate, Sh. JP  
Singh AC, SI Rohtash, from  
CISF.

**CORAM:**  
**HON'BLE MR. JUSTICE ANIL KSHETARPAL**  
**HON'BLE MR. JUSTICE AMIT MAHAJAN**  
**J U D G M E N T ( O R A L )**

**AMIT MAHAJAN, J.**

1. The present petition is filed under Article 226 of the Constitution of India seeking quashing of Office Memorandum dated 08.12.2025 ('**impugned order**') issued by Asst. Commandant/Adm., CISF Unit, ASG Bengaluru.
2. It is the case of the Petitioner that while posted at CISF Unit, IGI Airport, Delhi from 17.01.2018 to 09.06.2022, he was paid House Rent Allowance (HRA) after deduction of 5%, despite allegedly being entitled to full HRA for the said period. Aggrieved thereby, the Petitioner submitted a representation before the Respondents seeking release of the balance HRA amount. The said representation, however,



came to be rejected *vide* the impugned order.

3. At the outset, it is pertinent to note that the impugned order has been issued by the Asst. Commandant/Adm., CISF Unit, ASG Bengaluru. It is also an admitted position that the Petitioner is presently posted at CISF Unit, Bengaluru Airport, Bengaluru, Karnataka. Upon a query being put to the learned counsel for the Petitioner as to how the present petition would be maintainable before this Court, it was submitted that since the Petitioner had served in Delhi during the period from 17.01.2018 to 09.06.2022 and the present claim pertains to the HRA allegedly payable for the said duration.

4. This contention of the Petitioner is misconceived and cannot be accepted.

5. For the purposes of Article 226(2) of the Constitution of India, the Court is required to ascertain whether a material, essential or integral part of the cause of action has arisen within its territorial jurisdiction.

6. It is further well settled that even if a small or fractional part of the cause of action arises within the territorial jurisdiction of a High Court, the same would not compel the Court to entertain the petition on merits. The Court, while exercising jurisdiction under Article 226 of the Constitution of India, may decline to exercise such jurisdiction by applying the doctrine of *forum conveniens*, particularly where the material, essential and integral part of the cause of action has arisen outside its territorial jurisdiction. Reference in this regard may be drawn to the judgment of the Hon'ble Supreme Court in ***Kusum Ingots & Alloys Ltd. v. Union of India* : (2004) 6 SCC 254**. The relevant extract



of the aforesaid judgment is reproduced hereinbelow:

*“Forum conveniens*

*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. [See Bhagat Singh Bugga v. Dewan Jagbir Sawhney [AIR 1941 Cal 670 : ILR (1941) 1 Cal 490], Madanlal Jalan v. Madanlal [(1945) 49 CWN 357 : AIR 1949 Cal 495], Bharat Coking Coal Ltd. v. Jharia Talkies & Cold Storage (P) Ltd. [1997 CWN 122], S.S. Jain & Co. v. Union of India [(1994) 1 CHN 445] and New Horizons Ltd. v. Union of India [AIR 1994 Del 126].]”*

7. Examined in light of the aforesaid principles, this Court finds that the material, essential and integral part of the cause of action has arisen outside the territorial jurisdiction of this Court. Admittedly, the Petitioner is presently posted in Bengaluru and the impugned order rejecting his representation has also been passed by the competent authority situated in Bengaluru. The decision-making process culminating in the passing of the impugned order has thus taken place entirely outside the territorial jurisdiction of this Court.

8. In the opinion of this Court, merely because the Petitioner had earlier served in Delhi during the period for which the monetary claim is now sought to be raised would not, by itself, be a determinative factor for this Court to entertain the writ petition. The mere circumstance that the Petitioner was posted in Delhi during the relevant period cannot be construed as giving rise to a material or integral part of the cause of action within the jurisdiction of this Court, especially when the authorities against whom reliefs have been sought are also situated



2026:DHC:4294-DB



outside the territorial jurisdiction of this Court.

9. Even assuming that a slender part of the cause of action may be stated to have arisen within the territorial jurisdiction of this Court on account of the Petitioner's earlier posting in Delhi, this Court, applying the doctrine of *forum conveniens*, does not deem it appropriate to entertain the present petition while exercising extraordinary discretionary jurisdiction.

10. The present petition is, therefore, dismissed with liberty to the Petitioner to approach the competent Court in accordance with law.

11. Pending application is also disposed of.

**AMIT MAHAJAN, J**

**ANIL KSHETARPAL, J**

**MAY 14, 2026**

*DU*