



2025:DHC:229-DB



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

Date of decision: 14.01.2025

+ W.P.(C) 403/2025

EX CONST CREW PRAMOD YADAVPetitioner
Through: Mr. S.S. Pandey & Mr. Adarsh
Pandey, Advs.

versus

UNION OF INDIA THROUGH & ORS.Respondents
Through: Mr.Syed Abdul Haseeb, CGSC.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

CM APPL. 2068/2025

1. Allowed, subject to all just exceptions.

W.P.(C) 403/2025 & CM APPL. 2067/2025

2. This petition has been filed by the petitioner praying for the following reliefs:

“(a) Issue a Writ of Certiorari calling for the records including the Court of Inquiry if was conducted and finalized illegally and used against the Petitioner to pass Impugned Order dated 17.09.2019 vide which Petitioner was dismissed and thereafter quash all such orders including the Court of Inquiry.

(b) Issue a Writ of Mandamus further, by directing the Respondents to permit the petitioner to the issuance of the Writ in the nature of Mandamus by directing the



2025:DHC:229-DB



Respondents to permit the petitioner to rejoin services with all consequential benefits.”

3. The Impugned Order dated 17.09.2019 has been passed by the Inspector General, BSF, Frontier Headquarter, BSF, M&C, SILCHAR, PO- Arunachal, Distt.- Cachar (Assam), striking off the petitioner from the strength of the Water Wing Masimpur, HQ, BSF, M&C with effect from 17.09.2019, *inter alia* observing as under:

“3. Whereas, taking into consideration all the facts & circumstances of the case, I am satisfied that further retention of No 161200194 Const (Crew) Pramod Yadav in BSF is undesirable. I, therefore, dismiss No.161200194 Const (Crew) Pramod Yadav of Water Wing, BSF, Masimpur from service under rule, 17 of BSF Rules, 1969 read with sec 11 of BSF Act, 1968 with effect from 17 Sept' 2019 (AN).”

4. The order having been passed at Assam, we enquired from the petitioner as to how he invoked the jurisdiction of this Court for entertaining the present petition. In response, the learned counsel for the petitioner submitted that the inquiry was finalised in Delhi. It had found that neither the Swimming Certificate (Reference No 42 dated 14.07.2015) was issued to the petitioner by the Adventure and Coaching Center, Jaipur Road, New Aadars Nagar, Kotputli, Distt. Jaipur (Rajasthan), nor the Boat Handling Experience Certificate (Reference No 0072 dated 04.04.2015) was issued to him by Dhana Laxmi Water Wing Mechanised Fishing Boat, Chinnamavari Street, Visakhapatnam, basis whereof the petitioner had obtained appointment in the BSF, this Court would have the jurisdiction to



entertain the present petition.

5. We do not find any merit in the submissions made. The petitioner for invoking the jurisdiction of this Court, in the writ petition has pleaded as under:

“18. That the petitioner have the cause of action to approach this Hon 'ble Court because he not only the Inquiry was finalized in Delhi but even the received such decision to terminate him was issued from Delhi though the orders of dismissal was passed orders in Delhi but even the entire process of selection has been carried out in Delhi. Therefore, the petitioner have approached this Hon'ble Court by way of present Writ Petition.”

(Emphasis supplied)

6. Apart from the fact that the Impugned Order dismissing the petitioner from service has not been issued at Delhi, it is trite law that “cause of action” means a bundle of facts which is necessary for the petitioner to prove in order to succeed in the proceedings. It does not completely depend upon a character of the relief prayed for by the petitioner. A small part of the cause of action arising within the territorial jurisdiction of a High Court may not be considered as a determinative factor compelling the High Court to decide the matter on its own merits. In such a case, the doctrine of *forum non conveniens* shall apply.

7. In the present case, before passing the Impugned Order, a Show Cause Notice had been issued to the petitioner at Assam, and the reply of the petitioner to the same is stated to have been considered before passing the Impugned Order at Assam. The petitioner is aggrieved by



2025:DHC:229-DB



the Impugned Order dated 17.09.2019, which had terminated his service. The said order, as noted hereinabove, has been passed at Assam. Therefore, the major cause of action has arisen at Assam it will not make this Court a *forum conveniens*.

8. Applying the principle of the doctrine of *forum non conveniens*, therefore, we are of the opinion that this Court would not be the appropriate/convenient Forum. Accordingly, we decline to entertain the present petition in exercise of the discretion vested in as under Article 226 of the Constitution of India.

9. The petition and the pending applications are dismissed while reserving the liberty of the petitioner to approach the jurisdictional High Court.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 14, 2025/ab/sk

Click here to check corrigendum, if any