

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Civil Writ Petition No 3 of 2002.

Date of decision: 29th June, 2007

Sh. Ramesh Zinta	...Petitioner
Versus	
Union of India and others	...Respondents

Coram

The Hon'ble Mr. Justice Dev Darshan Sud, J.

Whether approved for reporting?¹

For the Petitioners: **Mr. O.P. Sharma, Sr. Advocate, with
Mr. K.R. Kashyap, Advocate.**

For the Respondents: **Mr. Sandeep Sharma, Assistant
Solicitor General of India.**

Dev Darshan Sud, J.

CMP No. 1827/2003.

This application has been moved by the petitioner under the provisions of Order 6 Rule 17 of the Code of Civil Procedure with a prayer to amend the writ petition.

Heard learned counsel for the parties. This application is allowed. The amended writ petition be taken on the record.

CWP No. 3 of 2002.

This writ petition has been filed by the petitioner challenging the disciplinary proceedings instituted against him, the punishment awarded and the rejection of his appeal by the respondents.

¹ *Whether reports of Local Papers may be allowed to see the judgment?*

It is not disputed before me that the act committed with reference to which the disciplinary proceedings were taken, was in Siachen and the Summery Force court was held in Ladakh.

I have gone through the record and find that even after allowing the amendment, this court will not have territorial jurisdiction to entertain the matter. Learned counsel appearing for the petitioner submits that the petitioner is a resident of Chopal, District Shimla, H.P. and the communications were received by him in this State and as such this Court would have jurisdiction to try the matter. This contention of the learned counsel for the petitioner cannot be accepted. This court has in a number of decisions held that mere residence in the State or receipt of a letter of communication does not confer territorial jurisdiction to try the matter. The entire case law has been considered in Guru Dutt vs. Union of India, CWP No. 822 of 2001 decided on 3.4.2007.

Under the circumstances, I hold that the writ petition is not maintainable. This court has no territorial jurisdiction to adjudicate the matter. The petitioner will be at liberty to pursue his remedy in accordance with law before the court of a competent jurisdiction. No observation has been made in this petition regarding the relative merits of the contentions put forth by the parties. Learned counsel for the petitioner submits that the writ petition was filed bonafide in this Court on the well founded belief that Court has jurisdiction to try the case. Under law, the time spent by the petitioner will, of course not, be

considered as being a bar on the ground of delay and laches if the petitioner pursues his remedy else where. The writ petition is disposed of. There shall be no order as to costs.

29th June, 2006
(cm)

(Dev Darshan Sud)
Judge.