

IN THE HIGH COURT OF SIKKIM

CIVIL JURISDICTION

WP(C) No. 42 of 20¹²

Girdhari Singh

~~Appellant(s)~~
Petitioner (s)

Versus

Union of India & Ors.

~~Respondent(s)~~
Opposite Party (s)

~~Appellant~~

For _____


Petitioner
(Advocate (s))

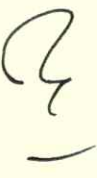
Mr. Zangpo Sherpa, Mr. A. K. Ghatani
and Mr. Pem Tshering Lepcha

Respondent

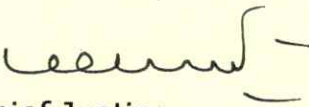
For _____

~~Opposite Party~~
(Advocate (s))

Serial No.	Date	Order (s) with Signature (s)
1	2	3
01.	15.10.12 	<p style="text-align: center;">BEFORE</p> <p style="text-align: center;">HON'BLE THE CHIEF JUSTICE MR. JUSTICE PERMOD KOHLI</p> <p>Present : Mr. Zangpo Sherpa, Mr. A. K. Ghatani and Mr. Pem Tshering Lepcha, Advocates for the Petitioner.</p> <p style="text-align: center;">...</p> <p>This petition has been filed by the petitioner challenging his discharge from ITBP vide order dated 20.11.2006 (Annexure P-13). The order was passed</p>

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1	2	3
		<p>when he was posted in the State of Arunachal Pradesh. Thereafter, the petitioner filed a petition before the Uttarakhand High Court. This petition came to be dismissed vide order dated 04.04.2012 for want of territorial jurisdiction. Now, this petition has been filed before this Court only on the plea that the 13th Battalion wherefrom the petitioner was discharged has now been posted in the State of Sikkim. As a matter of fact, the petitioner's assumption that this Court has territorial jurisdiction is totally misconceived. No part of the cause of action has accrued in the State of Sikkim. At the time of discharge, the 13th Battalion was having its location in the State of Arunachal Pradesh where the petitioner was posted. The impugned order was passed and served upon him in that State. Any subsequent event like shifting of the Battalion from Arunachal Pradesh to Sikkim does not create any new cause of action so as to entitle the petitioner to file this petition before this Court that too after a lapse of almost six years.</p> <p>At this stage, Mr. Sherpa seeks to withdraw this petition with liberty to approach the concerned High Court having territorial jurisdiction.</p>

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Index : Yes / No Internet : Yes / No rsr/pm		<p style="text-align: center;">Prayer is allowed. The petition is disposed of as withdrawn with liberty prayed for.</p> <p style="text-align: right;"> Chief Justice 15.10.2012</p>