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Where Do You File the Case? The SC on Jurisdiction in Union of India v. Alapan Bandyopadhyay

Adtiya Aryan · 04 Nov 2025

Introduction

Have you ever wondered what happens when a legal case is transferred from one city to another? Which court has the power to review that transfer? This seemingly technical question of "jurisdiction" was at the heart of a high-profile case involving the former Chief Secretary of West Bengal, Alapan Bandyopadhyay.

The Supreme Court's decision clarifies a simple but crucial rule: you must challenge an order in the High Court that has authority over the *specific tribunal bench* that passed it.

The Facts of the Case

The facts began when Mr. Bandyopadhyay, then Chief Secretary, faced disciplinary proceedings from the Central Government. He challenged these proceedings by filing an application at the **Kolkata Bench** of the Central Administrative Tribunal (CAT).

In response, the Union of India filed a transfer petition, not in Kolkata, but at the **Principal Bench of the CAT in New Delhi**, asking for the case to be moved.

The CAT Chairman in New Delhi allowed this transfer. Mr. Bandyopadhyay then challenged this specific transfer order, but he did so by filing a writ petition in the **Calcutta High Court**.

The Calcutta High Court not only took up the case but also ruled in Mr. Bandyopadhyay's favor. The Union of India then appealed this High Court decision to the Supreme Court.

The Core Legal Issue

The core legal question was straightforward: Did the Calcutta High Court have the "territorial jurisdiction" to hear a challenge against a transfer order passed by the **Principal Bench of the CAT in New Delhi**?

Arguments of Both Sides

The Union of India argued that the order being challenged was the **transfer order**, which was passed in New Delhi. Therefore, based on the principle of territorial jurisdiction, the only court that could review an order from the CAT's Delhi bench was the **Delhi High Court**.

The respondent argued that the underlying dispute, or "cause of action," arose in Kolkata (where he was posted and the events occurred), giving the Calcutta High Court the authority to hear the matter under Article 226(2) of the Constitution.

The Supreme Court's Judgment

The Supreme Court sided with the Union of India and **set aside the Calcutta High Court's judgment**, declaring it had no jurisdiction. The ruling was based on the 1997 Constitution Bench decision in *L. Chandra Kumar v. Union of India*, which established that decisions of a tribunal are subject to review by the High Court within whose territory that *specific tribunal bench* is located.

In this case, the order being challenged was the transfer order from the Principal Bench in New Delhi. Therefore, the only appropriate court to challenge it was the Delhi High Court.

Analysis: Why This Ruling Matters

This judgment is a critical lesson in legal procedure, often summarized as "challenging the order where the order was passed." The Supreme Court applied this logic: Mr. Bandyopadhyay's writ petition was not about his original employment dispute (which was in Kolkata) but about the *legality of the transfer order*.

Since the "head office" for CAT transfers (the Principal Bench) is in Delhi, the challenge had to be filed in the Delhi High Court. This ruling reinforces a clear and orderly legal process and prevents "forum shopping" (choosing a court that you think might be more favorable).