

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER 2025

BEFORE

THE HON'BLE MR. JUSTICE H. T. NARENDRA PRASAD

WRIT PETITION NO.3168 OF 2023 (S-RES)

BETWEEN:

PREM SHANKAR PANDEY(39940)
AGED ABOUT 68 YEARS
RETD. SPECIAL ASSISTANT FROM
CANARA BANK, RESIDING AT 1112
GUJAR GHATI, CHOWK BAZAR
MATHURA, UTTAR PRADESH-281001.

... PETITIONER

(BY SRI. K R GANESH RAO, ADVOCATE)

AND

1. THE ASSISTANT GENERAL MANAGER
CANARA BANK, HRM SECTION
CIRCLE OFFICE, AGRA
RAJENDRA CENTRE, SECTOR 12A/CC1
AWAS VIKAS COLONY, SIKANDRA
AGRA PIN-282002.

2. THE MANAGING DIRECTOR AND
CHIEF EXECUTIVE OFFICER
CANARA BNK, HEAD OFFICE
J C ROAD, BENGALURU-560002.

... RESPONDENTS

(BY SRI. T P MUTHANNA, ADVOCATE FOR R1 & R2.)

THIS WRIT IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE

CHARGE SHEET ISSUED TO THE PETITIONER BY THE ASSISTANT GENERAL MANAGER AND DISCIPLINARY AUTHORITY, CANARA BANK HRM SECTION, CIRCLE OFFICE, AGRA, VIDE AGCO:HRM:DP:CHO39940 CS 04 2022 DATED: 29.10.2022 ANNEXED TO WRIT PETITION AS ANNEXURE-F AND ETC.

THIS WRIT PETITION, HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 25.09.2025, COMING ON FOR PRONOUNCEMENT, THIS DAY, THE COURT, MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

CAV JUDGMENT

This writ petition is filed under Articles 226 & 227 of the Constitution of India, challenging the Articles of Charges, dated 29.10.2022 vide Annexure-F.

2. This Court, by order dated 13.02.2023, passed the following order:

" The learned counsel for the petitioner submits that the petitioner has retired from service with the respondents - Bank in the year 2015 and he is presently issued with a charge memo only because he was treated as hostile witness in the pending proceedings before the

CBI Court. It is a settled that act of turning hostile ipso facto would not amount to misconduct. The charge memo is issued without considering this aspect.

On perusal of the records, including the petitioner's testimony before the CBI Court, further proceedings pursuant to the impugned charge memo is stayed until the next date of hearing.

There shall be emergent notice to the respondents."

3. Upon service of notice, the respondent - Bank filed an interlocutory application, seeking vacation of the interim order granted by this Court on 13.02.2023, and also filed statement of objections. In its objections, the respondent - Bank raised a preliminary objection regarding the maintainability of the writ petition before this Court, on the ground that, no part of the cause of action has arisen within the territorial jurisdiction of this Court. Hence, the parties were heard on the question of maintainability.

4. The learned counsel for the respondents contended that the petitioner joined the service of the Bank on 23.11.1982 as a Clerk at the Agra Lohamandi Branch, Circle Office, Agra, and superannuated from service on 28.02.2015 from the Virandhavan Branch, Circle Office, Agra. The entire service of the petitioner was rendered in Agra, Uttar Pradesh, and therefore, the matter falls within the territorial jurisdiction of the High Court of Allahabad. This Court has no jurisdiction as no cause of action has arisen within the territorial jurisdiction of this Court.

5. It is further contended that, when Sri Damodar Chandore, the then Senior Manager working at Mathura Main Branch from 21.07.2008 to 05.11.2011, there was a serious allegation of misappropriation of money; hence, the Bank registered FIR against Damodar Chandore, and the matter was entrusted to the CBI Anti-Corruption

Branch, Ghaziabad. After the investigation, the CBI submitted its report on 30.11.2020 against Damodar Chandore and nine others. When the CBI recorded the petitioner's statement under Section 161 of the Cr.P.C., on 14-11-2017, he turned hostile. Therefore, a departmental enquiry was initiated against him. Since no part of the cause of action arose within the jurisdiction of this Court, the writ petition is liable to be dismissed. In support of his contentions, he relied upon the judgments of the Apex Court in the case of **UNION OF INDIA vs. ADANI EXPORTS LTD.** reported in **AIR 2002 SC 126** and in the case of **STATE OF RAJASTAN vs. M/S.SWAIKA PROPERTIES AND ANOTHER** reported in **1985(3) SCC 217.**

6. Per contra, learned counsel for the petitioner contended that, when the petitioner was working as an Assistant at the Mathura Branch, Uttar Pradesh,

during the period from 06.08.2004 to 23.01.2011, allegations were made against one Sri Damodar Chandore, Senior Manager of the Bank, for sanctioning Open Cash Credit facilities to selected parties in contravention of Bank guidelines. The petitioner was neither involved in the sanction of the said loans nor did he collude with the said officer or the parties. He had no duty or power to process or sanction loans to the said parties. After his retirement from service, the departmental enquiry was initiated against him solely on the basis of a letter written by the Chief Vigilance Officer, Canara Bank, Bangalore. The CBI, Ghaziabad, intimated the Central Vigilance Commission, Bangalore, that the petitioner had turned hostile before the CBI Court. Based on this communication, the Central Vigilance Commission, Bangalore, directed the Disciplinary Authority to take necessary action against the petitioner. Pursuant to

this, a departmental enquiry was initiated, and articles of charges were issued. The action taken was also communicated by the Bank to the Central Vigilance Commission, Bangalore. Therefore, since the departmental enquiry was initiated on the basis of the letter issued by the Central Vigilance Officer, Bangalore, a part of the cause of action has arisen within the jurisdiction of this Court. Accordingly, the writ petition is maintainable before this Court. It is a settled position of law that even if a small part of the cause of action arises within the jurisdiction of the High Court, the Court will have jurisdiction to entertain the matter, by applying the doctrine of forum convenience, as held by the Apex Court in the case of **KUSUM INGOTS & ALLOYS LTD. vs. UNION OF INDIA AND ANOTHER** reported in **2004 (6) SCC 254**, in the case of **AMBICA INDUSTRIES vs. COMMISSIONER OF CENTRAL EXCISE** reported in

2007(6) SCC 769 and in the case of **NAWAL KISHORE SHARMA vs. UNION OF INDIA AND OTHERS** reported in **2014 (9) SCC 329**.

7. Heard learned counsel for the parties and perused the writ petition papers.

8. The petitioner is a resident of Mathura City, Uttar Pradesh. He joined the respondent - Bank as a clerk on 23.11.1982, at the Agra Lohamandi Branch and superannuated from service on 28.02.2015, from the Vrindavan Branch, both under the Agra Circle Office. Throughout his service, he worked in Agra. When he was at the Mathura Main branch (2004-2011), allegations arose against Senior Manager Damodar Chandore regarding misappropriation of funds and unauthorized sanctioning of open cash credit. The Bank initiated a criminal case, and the police registered an FIR and entrusted the matter to CBI. The CBI investigated and filed a charge sheet

against Damodar Chandore and others under Sections 120B, 409, 420, 468 and 471 of the IPC and Sections 7, 12, 13(2) r/w. 13(1) of the Prevention of Corruption Act.

9. The petitioner was a key witness in the case, and his statement was recorded under Section 161 of the Cr.PC. However, he turned hostile during the investigation. The CBI informed the Chief Vigilance Officer of Canara Bank, Bangalore (the bank's head office), about the petitioner's testimony, by communication dated 05.09.2022 vide Annexure R7. Thereafter, the Assistant General Manager of Canara Bank, Agra, issued a show-cause notice to the petitioner. After the petitioner's reply, the Assistant General Manager of Agra, who is a disciplinary authority, initiated a departmental inquiry and issued articles of charges vide Annexure-F. By going through the records and pleadings, it is very clear that, no part

of the cause of action arose within the territorial jurisdiction of this High Court, the writ petition is not maintainable.

10. Article 226(2) of the Constitution of India empowers High Courts to exercise jurisdiction in relation to territories where the cause of action arises, wholly or in part. The Apex Court has considered this provision in several judgments.

11. In the case of **M/S.SWAIKA PROPERTIES (supra)**, the Apex Court considered Article 226(2) and laid down the certain principles. The relevant paragraphs are extracted below:

"7. Upon these facts, we are satisfied that the cause of action neither wholly nor in part arose within the territorial limits of the Calcutta High Court and therefore the learned Single Judge had no jurisdiction to issue a rule nisi on the petition filed by the respondents under Article

226 of the Constitution or to make the ad interim ex parte prohibitory order restraining the appellants from taking any steps to take possession of the land acquired. Under sub-section (5) of Section 52 of the Act the appellants were entitled to require the respondents to surrender or deliver possession of the lands acquired forthwith and upon their failure to do so, take immediate steps to secure such possession under sub-section (6) thereof.

8. The expression "cause of action" is tersely defined in Mulla's Code of Civil Procedure:

"The 'cause of action' means every fact which, if traversed, it would be necessary for the plaintiff to prove in order to support his right to a judgment of the court."

In other words, it is a bundle of facts which taken with the law applicable to them gives the plaintiff a right to relief against the defendant. The mere service of notice under Section 52(2) of the Act on the respondents at their registered office at 18-B, Brabourne Road, Calcutta i.e. within the territorial limits of the State of West Bengal, could not give rise to a

cause of action within that territory unless the service of such notice was an integral part of the cause of action. The entire cause of action culminating in the acquisition of the land under Section 52(1) of the Act arose within the State of Rajasthan i.e. within the territorial jurisdiction of the Rajasthan High Court at the Jaipur Bench. The answer to the question whether service of notice is an integral part of the cause of action within the meaning of Article 226(2) of the Constitution must depend upon the nature of the impugned order giving rise to a cause of action. The notification dated February 8, 1984 issued by the State Government under Section 52(1) of the Act became effective the moment it was published in the Official Gazette as thereupon the notified land became vested in the State Government free from all encumbrances. It was not necessary for the respondents to plead the service of notice on them by the Special Officer, Town Planning Department, Jaipur under Section 52(2) for the grant of an appropriate writ, direction or order under Article 226 of the Constitution for quashing the notification issued by the State Government

under Section 52(1) of the Act. If the respondents felt aggrieved by the acquisition of their lands situate at Jaipur and wanted to challenge the validity of the notification issued by the State Government of Rajasthan under Section 52(1) of the Act by a petition under Article 226 of the Constitution, the remedy of the respondents for the grant of such relief had to be sought by filing such a petition before the Rajasthan High Court, Jaipur Bench, where the cause of action wholly or in part arose.

9. It is to be deeply regretted that despite a series of decisions of this Court deprecating the practice prevalent in the High Court of passing such interlocutory orders for the mere asking, the learned Single Judge should have passed the impugned ad interim ex parte prohibitory order the effect of which, as the learned Attorney General rightly complains, was virtually to bring to a standstill a development scheme of the Urban Improvement Trust, Jaipur viz. Civil Lines Extension Scheme, irrespective of the fact whether or not the High Court had any territorial jurisdiction to entertain a petition under Article 226 of the Constitution. Such arbitrary exercise of power

by the High Court at the public expense reacts against the development and prosperity of the country and is clearly detrimental to the national interest.

10. Quite recently, Chinnappa Reddy, J. speaking for the Court in Assistant Collector of Central Excise, W.B. v. Dunlop India Limited [(1985) 1 SCC 260 : 1985 SCC (Tax) 75] administered strong admonition deprecating the practice of the High Court of granting ad interim ex parte orders which practically have the effect of the grant of the main relief in the petition under Article 226 of the Constitution irrespective of the fact whether the High Court had any territorial jurisdiction to entertain such a petition or whether the petition under Article 226 was intended and meant to circumvent the alternative remedy provided by law or filed solely for the purpose of obtaining interim orders and thereafter delaying and protracting the proceedings by one device or the other particularly in matters relating to public revenue or implementation of various measures and schemes undertaken by the Government or the local authorities for general public benefit. Although the powers of the High

Court under Article 226 of the Constitution are far and wide and the Judges must ever be vigilant to protect the citizen against arbitrary executive action, nonetheless, the Judges have a constructive role and therefore there is always the need to use such extensive powers with due circumspection. There has to be in the larger public interest an element of self-ordained restraint. We hope and trust that the High Court will determine the extent of its territorial jurisdiction before making such interlocutory orders."

12. Similarly, the Apex Court in the case of **ALIGARH MUSLIM UNIVERSITY AND ANOTHER vs. VINAY ENGINEERING ENTERPRISES (P) LIMITED AND ANOTHER** reported in **1994 (4) SCC 710** has considered the jurisdiction issue. The relevant portion is extracted below:

"2. We are surprised, not a little, that the High Court of Calcutta should have exercised jurisdiction in a case where it had absolutely

no jurisdiction. The contracts in question were executed at Aligarh, the construction work was to be carried out at Aligarh, even the contracts provided that in the event of dispute the Aligarh Court alone will have jurisdiction. The arbitrator was from Aligarh and was to function there. Merely because the respondent was a Calcutta-based firm, the High Court of Calcutta seems to have exercised jurisdiction where it had none by adopting a queer line of reasoning. We are constrained to say that this is a case of abuse of jurisdiction and we feel that the respondent deliberately moved the Calcutta High Court ignoring the fact that no part of the cause of action had arisen within the jurisdiction of that Court. It clearly shows that the litigation filed in the Calcutta High Court was thoroughly unsustainable.

13. In similar circumstances, in the case of **OIL AND NATURAL GAS COMMISSION vs. UTPAL KUMAR BASU AND OTHERS** reported in **1994 (4) SCC 711**, the Apex Court held as follows:

"6. It is well settled that the expression "cause of action" means that bundle of facts which the petitioner must prove, if traversed, to entitle him to a judgment in his favour by the Court. In Chand Kour v. Partab Singh [ILR (1889) 16 Cal 98, 102 : 15 IA 156] Lord Watson said:

"... the cause of action has no relation whatever to the defence which may be set up by the defendant, nor does it depend upon the character of the relief prayed for by the plaintiff. It refers entirely to the ground set forth in the plaint as the cause of action, or, in other words, to the media upon which the plaintiff asks the Court to arrive at a conclusion in his favour."

Therefore, in determining the objection of lack of territorial jurisdiction the court must take all the facts pleaded in support of the cause of action into consideration albeit without embarking upon an enquiry as to the correctness or otherwise of the said facts. In other words the question whether a High Court has territorial jurisdiction to entertain a writ petition must be answered on the basis of the averments made in the petition, the truth or otherwise whereof being immaterial. To put it differently, the question of territorial

jurisdiction must be decided on the facts pleaded in the petition. Therefore, the question whether in the instant case the Calcutta High Court had jurisdiction to entertain and decide the writ petition in question even on the facts alleged must depend upon whether the averments made in paragraphs 5, 7, 18, 22, 26 and 43 are sufficient in law to establish that a part of the cause of action had arisen within the jurisdiction of the Calcutta High Court."

14. Even in the case of **KUSUM INGOTS AND ALLOYS LIMITED (supra)**, the Apex Court has held as follows:

"6. Cause of action implies a right to sue. The material facts which are imperative for the suitor to allege and prove constitute the cause of action. Cause of action is not defined in any statute. It has, however, been judicially interpreted inter alia to mean that every fact which would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the Court. Negatively put, it would mean that everything which, if not

proved, gives the defendant an immediate right to judgment, would be part of cause of action. Its importance is beyond any doubt. For every action, there has to be a cause of action, if not, the plaint or the writ petition, as the case may be, shall be rejected summarily.

7. Clause (2) of Article 226 of the Constitution of India reads thus:

"226. (2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories."

8. Section 20(c) of the Code of Civil Procedure reads as under:

"20. Other suits to be instituted where defendants reside or cause of action arises.— Subject to the limitations aforesaid, every suit shall be instituted in a court within the local limits of whose jurisdiction—

*(a)-(b)****

(c) the cause of action, wholly or in part, arises."

9. Although in view of Section 141 of the Code of Civil Procedure the provisions thereof would

not apply to writ proceedings, the phraseology used in Section 20(c) of the Code of Civil Procedure and clause (2) of Article 226, being in pari materia, the decisions of this Court rendered on interpretation of Section 20(c) CPC shall apply to the writ proceedings also. Before proceeding to discuss the matter further it may be pointed out that the entire bundle of facts pleaded need not constitute a cause of action as what is necessary to be proved before the petitioner can obtain a decree is the material facts. The expression material facts is also known as integral facts.

10. Keeping in view the expressions used in clause (2) of Article 226 of the Constitution of India, indisputably even if a small fraction of cause of action accrues within the jurisdiction of the Court, the Court will have jurisdiction in the matter.

11. In Chand Kour v. Partab Singh [(1887-88) 15 IA 156] it was held: (IA pp. 157-58)

"[The cause of action has no relation whatever to the defence which may be set up by the defendant, nor does it depend upon the character of the relief prayed for by the plaintiff. It refers entirely to the grounds set forth in the plaint as the cause of action, or, in

other words, to the media upon which the plaintiff asks the court to arrive at a conclusion in his favour."

12. This Court in Oil & Natural Gas Commission v. Utpal Kumar Basu [(1994) 4 SCC 711] held that the question as to whether the Court has a territorial jurisdiction to entertain a writ petition, must be arrived at on the basis of averments made in the petition, the truth or otherwise thereof being immaterial.

13. This Court in Oil and Natural Gas Commission case [(1994) 4 SCC 711] held that all necessary facts must form an integral part of the cause of action. It was observed: (SCC p. 719, para 8)

"So also the mere fact that it sent fax messages from Calcutta and received a reply thereto at Calcutta would not constitute an integral part of the cause of action."

14. In State of Rajasthan v. Swaika Properties [(1985) 3 SCC 217] this Court opined that mere service of a notice would not give rise to any cause of action unless service of notice was an integral part of the cause of action. The said decision has also been noticed in Oil and Natural Gas Commission [(1994) 4 SCC 711] . This Court held: (SCC p. 223, para 8)

"The answer to the question whether service of notice is an integral part of the cause of action within the meaning of Article 226(2) of the Constitution must depend upon the nature of the impugned order giving rise to a cause of action."

15. *In Aligarh Muslim University v. Vinay Engg. Enterprises (P) Ltd. [(1994) 4 SCC 710]* this Court lamented: (SCC p. 711, para 2)

"2. We are surprised, not a little, that the High Court of Calcutta should have exercised jurisdiction in a case where it had absolutely no jurisdiction. The contracts in question were executed at Aligarh, the construction work was to be carried out at Aligarh, even the contracts provided that in the event of dispute the Aligarh court alone will have jurisdiction. The arbitrator was from Aligarh and was to function there. Merely because the respondent was a Calcutta-based firm, the High Court of Calcutta seems to have exercised jurisdiction where it had none by adopting a queer line of reasoning. We are constrained to say that this is a case of abuse of jurisdiction and we feel that the respondent deliberately moved the Calcutta High Court ignoring the fact that no part of the cause of action had arisen within the jurisdiction of that Court. It clearly shows that the litigation filed in the Calcutta High Court was thoroughly unsustainable."

16. *In Union of India v. Adani Exports Ltd. [(2002) 1 SCC 567]* it was held that in order to confer jurisdiction on a High Court to entertain a writ petition it must disclose that the integral facts pleaded in support of the cause of action

do constitute a cause so as to empower the Court to decide the dispute and the entire or a part of it arose within its jurisdiction.

17. Recently, in National Textile Corpn. Ltd. v. Haribox Swalram [(2004) 9 SCC 786 : JT (2004) 4 SC 508] a Division Bench of this Court held: (SCC p. 797, para 12.1)

"12.1. As discussed earlier, the mere fact that the writ petitioner carries on business at Calcutta or that the reply to the correspondence made by it was received at Calcutta is not an integral part of the cause of action and, therefore, the Calcutta High Court had no jurisdiction to entertain the writ petition and the view to the contrary taken by the Division Bench cannot be sustained. In view of the above finding, the writ petition is liable to be dismissed."

18. The facts pleaded in the writ petition must have a nexus on the basis whereof a prayer can be granted. Those facts which have nothing to do with the prayer made therein cannot be said to give rise to a cause of action which would confer jurisdiction on the Court.

19. Passing of a legislation by itself in our opinion does not confer any such right to file a writ petition unless a cause of action arises therefor.

20. A distinction between a legislation and executive action should be borne in mind while determining the said question.

21. A parliamentary legislation when it receives the assent of the President of India and is published in the Official Gazette, unless specifically excluded, will apply to the entire territory of India. If passing of a legislation gives rise to a cause of action, a writ petition questioning the constitutionality thereof can be filed in any High Court of the country. It is not so done because a cause of action will arise only when the provisions of the Act or some of them which were implemented shall give rise to civil or evil consequences to the petitioner. A writ court, it is well settled, would not determine a constitutional question in a vacuum.

22. The Court must have the requisite territorial jurisdiction. An order passed on a writ petition questioning the constitutionality of a parliamentary Act, whether interim or final keeping in view the provisions contained in clause (2) of Article 226 of the Constitution of India, will have effect throughout the territory

of India subject of course to the applicability of the Act.

23. A writ petition, however, questioning the constitutionality of a parliamentary Act shall not be maintainable in the High Court of Delhi only because the seat of the Union of India is in Delhi. (See Abdul Kafi Khan v. Union of India [AIR 1979 Cal 354] .)

24. Learned counsel for the appellant in support of his argument would contend that the situs of framing law or rule would give jurisdiction to the Delhi High Court and in support of the said contention relied upon the decisions of this Court in Nasiruddin v. STAT [(1975) 2 SCC 671 : AIR 1976 SC 331] and U.P. Rashtriya Chini Mill Adhikari Parishad v. State of U.P. [(1995) 4 SCC 738] So far as the decision of this Court in Nasiruddin v. STAT [(1975) 2 SCC 671 : AIR 1976 SC 331] is concerned, it is not an authority for the proposition that the situs of legislature of a State or the authority in power to make subordinate legislation or issue a notification would confer power or jurisdiction on the High Court or a Bench of the High Court to entertain

a petition under Article 226 of the Constitution. In fact this Court while construing the provisions of the United Provinces High Courts (Amalgamation) Order, 1948 stated the law thus: (SCC p. 683, para 37)

"37. The conclusion as well as the reasoning of the High Court is incorrect. It is unsound because the expression 'cause of action' in an application under Article 226 would be as the expression is understood and if the cause of action arose because of the appellate order or the revisional order which came to be passed at Lucknow then Lucknow would have jurisdiction though the original order was passed at a place outside the areas in Oudh. It may be that the original order was in favour of the person applying for a writ. In such case an adverse appellate order might be the cause of action. The expression 'cause of action' is well known. If the cause of action arises wholly or in part at a place within the specified Oudh areas, the Lucknow Bench will have jurisdiction. If the cause of action arises wholly within the specified Oudh areas, it is indisputable that the Lucknow Bench would have exclusive jurisdiction in such a matter. If the cause of action arises in part within the specified areas in Oudh it would be open to the litigant who is the dominus litis to have his forum conveniens. The litigant has the right to go to a court where part of his cause of action arises. In such cases, it is incorrect to say that the litigant chooses any particular court. The choice is by reason of the jurisdiction of the court being attracted by part of cause of action arising within the jurisdiction of the court. Similarly, if the cause of action can be said to have arisen part within specified areas in Oudh and part

outside the specified Oudh areas, the litigant will have the choice to institute proceedings either at Allahabad or Lucknow. The court will find out in each case whether the jurisdiction of the court is rightly attracted by the alleged cause of action."

25. The said decision is an authority for the proposition that the place from where an appellate order or a revisional order is passed may give rise to a part of cause of action although the original order was at a place outside the said area. When a part of the cause of action arises within one or the other High Court, it will be for the petitioner to choose his forum.

26. The view taken by this Court in U.P. Rashtriya Chini Mill Adhikari Parishad [(1995) 4 SCC 738] that the situs of issue of an order or notification by the Government would come within the meaning of the expression "cases arising" in clause 14 of the (Amalgamation) Order is not a correct view of law for the reason hereafter stated and to that extent the said decision is overruled. In fact, a legislation, it is trite, is not confined to a statute enacted by Parliament or the legislature of a State, which would include delegated legislation and subordinate legislation or an executive order

made by the Union of India, State or any other statutory authority. In a case where the field is not covered by any statutory rule, executive instructions issued in this behalf shall also come within the purview thereof. Situs of office of Parliament, legislature of a State or authorities empowered to make subordinate legislation would not by itself constitute any cause of action or cases arising. In other words, framing of a statute, statutory rule or issue of an executive order or instruction would not confer jurisdiction upon a court only because of the situs of the office of the maker thereof.

27. When an order, however, is passed by a court or tribunal or an executive authority whether under provisions of a statute or otherwise, a part of cause of action arises at that place. Even in a given case, when the original authority is constituted at one place and the appellate authority is constituted at another, a writ petition would be maintainable at both the places. In other words, as order of the appellate authority constitutes a part of cause of action, a writ petition would be maintainable in the High Court within whose

jurisdiction it is situate having regard to the fact that the order of the appellate authority is also required to be set aside and as the order of the original authority merges with that of the appellate authority.

28. Lt. Col. Khajoor Singh v. Union of India [AIR 1961 SC 532 : (1961) 2 SCR 828] whereupon the learned counsel appearing on behalf of the appellant placed strong reliance was rendered at a point of time when clause (2) of Article 226 had not been inserted. In that case the Court held that the jurisdiction of the High Court under Article 226 of the Constitution of India, properly construed, depends not on the residence or location of the person affected by the order but of the person or authority passing the order and the place where the order has effect. In the latter sense, namely, the office of the authority which is to implement the order would attract the territorial jurisdiction of the Court was considered having regard to Section 20(c) of the Code of Civil Procedure as Article 226 of the Constitution thence stood, stating: (AIR p. 540, para 16)

"The concept of cause of action cannot in our opinion be introduced in Article 226, for by doing so we shall be doing away with the express provision contained therein which requires that the person or authority to whom the writ is to be issued should be resident in or located within the territories over which the High Court has jurisdiction. It is true that this may result in some inconvenience to persons residing far away from New Delhi who are aggrieved by some order of the Government of India as such, and that may be a reason for making a suitable constitutional amendment in Article 226. But the argument of inconvenience, in our opinion, cannot affect the plain language of Article 226, nor can the concept of the place of cause of action be introduced into it for that would do away with the two limitations on the powers of the High Court contained in it."

29. In view of clause (2) of Article 226 of the Constitution of India, now if a part of cause of action arises outside the jurisdiction of the High Court, it would have jurisdiction to issue a writ. The decision in Khajoor Singh [AIR 1961 SC 532 : (1961) 2 SCR 828] has, thus, no application.

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] .]"

15. Recently, in the case of **STATE OF GOA vs. SUMMIT ONLINE TRADE SOLUTIONS PRIVATE LIMITED AND OTHERS** reported in **2023 (7) SCC 791**, the Apex Court reiterated the legal position. The relevant paragraphs are extracted below:

"16. The expression "cause of action" has not been defined in the Constitution. However, the classic definition of "cause of action" given by Lord Brett in Cooke v. Gill [Cooke v. Gill, (1873) LR 8 CP 107] that "cause of action means every fact which it would be necessary

for the plaintiff to prove, if traversed, in order to support his right to the judgment of the court", has been accepted by this Court in a couple of decisions. It is axiomatic that without a cause, there cannot be any action. However, in the context of a writ petition, what would constitute such "cause of action" is the material facts which are imperative for the writ petitioner to plead and prove to obtain relief as claimed.

17. Determination of the question as to whether the facts pleaded constitute a part of the cause of action, sufficient to attract clause (2) of Article 226 of the Constitution, would necessarily involve an exercise by the High Court to ascertain that the facts, as pleaded, constitute a material, essential or integral part of the cause of action. In so determining, it is the substance of the matter that is relevant. It, therefore, follows that the party invoking the writ jurisdiction has to disclose that the integral facts pleaded in support of the cause of action do constitute a cause empowering the High Court to decide the dispute and that, at least, a part of the cause of action to move the High Court arose within its jurisdiction. Such

pleaded facts must have a nexus with the subject-matter of challenge based on which the prayer can be granted. Those facts which are not relevant or germane for grant of the prayer would not give rise to a cause of action conferring jurisdiction on the court. These are the guiding tests."

16. Applying the settled legal principles to the present case, it is clear that no part of the cause of action arises within the territorial jurisdiction of this Court. The petitioner was working in Agra, resides in Mathura, and the show-cause notice and Articles of Charges were served in Agra. The communication of the Articles of Charges to the head office in Bangalore does not establish a nexus to the substantial cause of action. It is only an internal communication between Regional Office and Head Office.

17. Therefore, the petition filed by the petitioner is not maintainable due to a lack of territorial jurisdiction.

The writ petition is dismissed.

No costs.

**Sd/-
(H. T. NARENDRA PRASAD)
JUDGE**

Cm/-