



2026:DHC:7216



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 24th August, 2026*

CNR No. DLHC010338582007

+ W.P.(C) 3220/2007 & CM APPL. 153/2009

GHANSHYAM TIWARI

.....Petitioner

Through: Mr. K.C. Dubey, Adv. through
V.C.

versus

THE MGMT. OF EASTERN MEDIKIT L Respondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. The present writ petition under Articles 226 and 227 of the Constitution of India has been preferred by the Petitioner/Workman challenging the Award dated 24.02.2007 passed by the learned Presiding Officer, Labour Court No. VI, Karkardooma Courts, Delhi (hereinafter "***learned Labour Court***") in I.D. No. 266/1999, whereby the learned Labour Court declined to entertain the industrial dispute on the ground of lack of territorial jurisdiction.

2. Succinctly stated, the Petitioner had claimed before the learned Labour Court that he was appointed by the Respondent on 14.02.1994, and though they had taken their factory to Gurgaon however, Head Office remained in Delhi. His services were illegally terminated on 30.06.1998 without Notice and he had also served a Demand Notice

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Signed By: SHIKHA
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Signing Date: 25.08.2026
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dated 14.09.1998, but to no avail. Thus, he filed an Industrial Dispute seeking reinstatement with full back wages.

3. The Respondent had contested the claim and raised a preliminary objection that the Petitioner had throughout been employed at its establishment at Gurgaon, Haryana and that his alleged termination had also taken place at Gurgaon, and therefore, the *appropriate government* was the Government of Haryana and that the Delhi Labour Court had no territorial jurisdiction to adjudicate the dispute.

4. *Vide* Reference dated 21.06.1999, the Secretary (Labour), Government of NCT of Delhi, referred the following question for adjudication: -

“Whether dismissal of Sh. Ghanshyam Tiwari from service by the management is illegal and/or unjustifiably by, and if so, to what relief is he entitled and what directions are necessary in this respect?”

5. On 21.03.2006, the learned Labour Court framed an additional Issue No.4, regarding territorial jurisdiction, as under: -

“Whether this Court has no territorial jurisdiction to entertain the reference made by Delhi Government to this Court? OPD”

6. *Vide* the impugned award, while deciding the preliminary issue of jurisdiction, the learned Labour Court recorded that, admittedly, the Petitioner had been working with the Respondent at Gurgaon since the date of his employment. The address furnished by the Petitioner in his application made at the time of appointment was also that of Dharera, Gurgaon, Haryana. Admittedly, the alleged termination of the Petitioner had taken place at Gurgaon. On these facts, the learned



Labour Court held that the “*situs of employment*” was Gurgaon and that the Courts at Gurgaon would have territorial jurisdiction. The learned Labour Court refrained from expressing any opinion on the merits of the termination and left the petitioner at liberty to have the dispute referred through the appropriate Government before the appropriate forum.

7. Aggrieved, the present Writ petition had been filed.

8. The learned Counsel for the Petitioner submits that the Respondent-company has its registered office at N-22, Greater Kailash-I, New Delhi and its administrative office at 3, Dr. G.C. Narang Marg, Delhi. Thus, the Petitioner had an option to raise the industrial dispute either at Gurgaon/Haryana or Delhi. He also submits that initially he was appointed in Delhi and was thereafter, transferred to Gurgaon and that his employment at Gurgaon was under the directions and control of the Respondent's Head Office in Delhi. Hence, it is urged that the award be set-aside and be remanded back for fresh adjudication on merits.

9. *Per contra*, the Respondent/Management, in its Counter Affidavit, has opposed the writ petition and supported the impugned award, contending that the Petitioner was employed at the respondent's factory at 196, Udyog Vihar, Phase-I, Gurgaon, Haryana, and that, therefore, the Courts at Gurgaon and the Government of Haryana had jurisdiction over the industrial dispute.

10. It is stated that the Respondent's factory, which was earlier situated in Delhi, had been shifted entirely to Gurgaon in 1993, and the workmen had not challenged such shifting. The relevant



consideration is the nexus between the industrial dispute and the territory, and that the mere existence of the Respondent's Head/Registered Office at Delhi does not confer jurisdiction upon the Delhi Labour Court. The Respondent further states that its Gurgaon factories are separate units where all employment-related activities, including appointment of workers, payment of salaries, maintenance of attendance and absence records, worker welfare and maintenance of employment records, are undertaken, and that the petitioner's records were also maintained at Gurgaon.

11. It is further asserted that a General Manager and his staff were permanently posted at Gurgaon and exercised day-to-day control over the factories, while the Delhi office had no role in their day-to-day functioning. The Respondent therefore submits that no cause of action or substantial part of the industrial dispute arose in Delhi and that Section 20 of the CPC cannot be invoked to confer jurisdiction merely on account of the registered office being situated in Delhi.

12. Submissions heard and the material placed on record perused.

13. It is no more *res-integra* that the determination of territorial jurisdiction, in an industrial dispute, cannot be made merely on the basis of the situs of the registered office of the employer. The relevant consideration is the territorial nexus of the industrial dispute and where the dispute substantially arose. In disputes concerning termination of service, the territorial jurisdiction is ordinarily determined by the place where the workman was last employed and where the termination became effective. This is because the industrial dispute substantially arises at the place where the employment was



being carried on and the impugned action had its direct effect upon the workman.

14. In the landmark judgment of **V.G. Jagdishan Vs. Indofos Industries Ltd, (2022) 6 SCC 167**, the Hon'ble Apex Court, observed that the place where the employment existed and where the termination was affected constitutes the place where the cause of action substantially arises. Thus, in the facts of the case, it was held, *firstly*, since the workman therein was employed at Ghaziabad Office, was working at Ghaziabad Office and his services were retrenched at Ghaziabad Office, only the Courts at Ghaziabad would have territorial jurisdiction; and *secondly*, mere shifting to Delhi or having the Head Office at Delhi cannot confer jurisdiction to Delhi Courts. The relevant extract is reproduced hereinbelow: -

“10. From the findings recorded by the Labour Court, Delhi and the learned Single Judge and the Division Bench of the High Court, it is not much in dispute that the workman was employed as a driver at Ghaziabad office. He was working at Ghaziabad. His services were retrenched at Ghaziabad. All throughout during the employment, the workman stayed and worked at Ghaziabad. Only after the retrenchment/termination the workman shifted to Delhi from where he served a demand notice at the Head Office of the Management situated at Delhi. Merely because the workman after termination/retrenchment shifted to Delhi and sent a demand notice from Delhi and the Head Office of the Management was at Delhi, it cannot be said that a part cause of action has arisen at Delhi. Considering the facts that the workman was employed at Ghaziabad; was working at Ghaziabad and his services were terminated at Ghaziabad, the facts being undisputed, only the Ghaziabad Court would have territorial jurisdiction to decide the case.”



15. Similar view echoed in the case of ***Eastern Coalfields Ltd. and Others v. Kalyan Banerjee***, (2008) 3 SCC 456. The Hon'ble Apex Court categorically held that the mere existence of the employer's head office or administrative office at a different place would not *ipso facto* confer territorial jurisdiction, unless the industrial dispute itself substantially arose within the territorial limits of that State. The relevant extract is reproduced hereinbelow: -

“13. In view of the decision of the Division Bench of the Calcutta High Court that the entire cause of action arose in Mugma area within the State of Jharkhand, we are of the opinion that only because the head office of the appellant Company was situated in the State of West Bengal, the same by itself will not confer any jurisdiction upon the Calcutta High Court, particularly when the head office had nothing to do with the order of punishment passed against the respondent.”

16. A Division Bench, of this Court, *vide* judgment dated 29.08.2023, bearing ***LPA 640/2022*** titled ***J. Balaji v. The Hindu New Delhi and Anr.***, upheld the concurrent findings of the Labour Court and the learned Single Judge and held that the Appellant therein had, in fact, accepted the transfer and had joined at Chennai; the termination challenged of was from the Chennai establishment and the termination order itself was issued from Chennai. Consequently, the entire *situs of employment* shifted Chennai and cause of action also arose in Chennai. The Division Bench held that the Appellant's earlier posting at Delhi, or the existence of the Respondent's office at Delhi, could not confer territorial jurisdiction upon the Delhi Labour Court when the Appellant was no longer employed at Delhi and the termination did not arise there.



17. Keeping the above discussed precedents in mind, we may turn our gaze to the case at hand.

18. In the present case, the material recorded in the impugned Award shows that the Petitioner was employed at Gurgaon and that his alleged termination took place at the Gurgaon Office. These findings have not been demonstrated to be perverse or unsupported by the record placed before the learned Labour Court.

19. Additionally, as per the Counter Affidavit Filed by the Personnel Officer of the Respondent, the Petitioner was employed at the Respondent's factory at 196, Udyog Vihar, Phase-I, Gurgaon. The Head Office is in Delhi but it is maintaining several factories in Gurgaon, which are separate units and that appointment of workers, payment of salary, maintenance of attendance and absence records, worker welfare and other employment-related activities are undertaken at the respective Gurgaon units. All records relating to the Petitioner were maintained at Gurgaon and the day-to-day functioning of the Gurgaon factories was under the supervision of a General Manager and his staff posted there. Hence, it emerges the establishments were operationally independent and that the Petitioner's employment records and other employment-related matters were maintained and dealt with at Gurgaon.

20. Nothing has been placed before this Court to establish that the Delhi office exercised such control over the Petitioner's employment as would constitute a substantial nexus between the Office at Delhi and the dispute. The mere fact that the Respondent maintained its registered or administrative office in Delhi cannot, in these



circumstances, confer jurisdiction upon the Government of NCT of Delhi to make the reference, as discussed in the preceding paragraphs.

21. As regards the plea of transfer, there is nothing on record to even clearly establish whether the Petitioner was transferred from Delhi Office, or when he was transferred or whether he had challenged such transfer. Though it has come in the Counter Affidavit that the Office of the Respondent was transferred from Delhi to Gurgaon in the year 1993, the joining of the Petitioner was in the year 1994, admittedly, at the Gurgaon Office. Even otherwise, the relevant consideration is not merely whether the Petitioner may have had some prior connection with the Delhi office, but whether, at the time the industrial dispute arose, the dispute had a substantial and real nexus with Delhi. The Petitioner has failed to demonstrate any such nexus with the Delhi Office.

22. Thus, on the material available, the learned Labour Court has rightly opined that the *situs of employment* was Gurgaon and the cause of action arose in Gurgaon. Thus, only the Courts in Haryana would have the jurisdiction to adjudicate the dispute and the Government of NCT of Delhi was not the “*appropriate Government*” for making the reference.

23. The conclusion cannot be said to suffer from perversity or an error of jurisdiction warranting interference under Articles 226 and 227 of the Constitution and the Petitioner has failed to establish any ground warranting interference with the impugned award dated 24.02.2007.



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24. It is clarified that this Court has expressed no opinion on the merits of the Petitioner's claim regarding his termination. The Petitioner shall, remain at liberty to pursue such remedy as may be available to him before the competent forum/appropriate Government in accordance with law.

25. The petition, along with pending application(s), if any, stands dismissed.

AMIT MAHAJAN, J

AUGUST 24, 2026

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