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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2812/2016

GOPAL DASS Petitioner

Through: Mr. Amit Kumar, Advocate

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Jaswinder Singh, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **31.03.2016**

1. The present petition has been filed by the petitioner praying *inter alia* for payment of arrears and interest as per the recommendations made by the Sixth Pay Commission, at par with the diploma holders Overseers & Senior Draftsmen, as granted to them, vide judgment dated 10th September, 2010 pronounced by a Division Bench of the Gauhati High Court in Writ Petition No.51/2009.

2. At the outset, learned counsel for the respondents raises an objection with regard to the absence of the territorial jurisdiction in this Court to entertain the present petition. A similar objection has been raised by the Registry as well.

3. As per the Memo of Parties, the petitioner is posted at Shimla. The grievance raised by the petitioner has been addressed to the Pay and Accounts Office, GREF at Pune and the Chief Engineer, GREF at Shimla.

4. Learned counsel for the respondents states that the entire service record of the petitioner is maintained at Shimla and merely because the seat of the Ministry of Defence, Union of India, is in Delhi or the office of the Principal Controller of Defence Accounts is based in Delhi, will not entitle the petitioner to file the present petition in this Court, as no actionable part of cause of action has arisen in Delhi.

5. Learned counsel for the petitioner expresses an apprehension that if the petitioner approaches the High Court of Himachal Pradesh for relief, the respondents may raise an objection with regard to the maintainability of the said petition in that Court.

6. Counsel for the respondents assures the Court that no such objection shall be raised if the petitioner approaches the High Court of Himachal Pradesh for relief, as sought in the present petition.

7. The present petition is disposed of with liberty granted to the petitioner to seek his remedies against the respondents before the competent court, vested with territorial jurisdiction.

8. Needless to state that the parties shall be entitled to take all the pleas, both on facts and in law, when a fresh petition is filed by the petitioner.

HIMA KOHLI, J

SUNIL GAUR, J

MARCH 31, 2016

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