

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1265 of 2017

In

Civil Writ Jurisdiction Case No.5999 of 2014

Shanti Devi Alias Shanti Mishra, W/o Late Bashishtha Narayan Mishra, Vill & P.O.- Bhuskoul, Via- Sara Mohanpur, P.S.- Darbhanga Sadar, Dist.- Darbhanga.

... .. Appellant/s

Versus

1. The Union Of India through Secretary, Ministry Of Coal, Shastri Bhawan, New Delhi.
2. Secretary, Ministry Of Coal, Govt. Of India, Shastri Bhawan, New Delhi.
3. Director, Grievances Cell, Ministry Of Coal , Lok Nayak Bhawan, 5th Floor, Khan Market, New Delhi.
4. Chairman, Coal India Ltd. 10, Netaji Subhash Marg, Coal Bhawan, Calcutta - 1
5. Chairman-Cum-Managing Director, Eastern Coal Fields Ltd. Sanctoria, Burdwan.
6. Commissioner, Coal Mines Provident Fund, Jagjivan Nagar, Dhanbad
7. Regional Provident Fund Commissioner Region No. - 1, C.M.P.F. Office, B.B. Road, Usha Gram, At & P.O. Asansol, Dist. - Burdwan (W.B.)
8. Personnel Manager, E.C.L Bankola Area, PO. Ukhra, Dist. - Burdwan (W.B.).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ram Janam Prasad
For the Coal India	:	Mr. V.M.K. Sinha
For UOI	:	Mr. Awadhesh Kr. Pandey, SCGC Mr. Ravinder Kr. Sharma, CGC

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 03-05-2018

Heard counsel for the appellant and counsel for the
Coal India Eastern Coal Fields Ltd.

The writ application of the appellant was dismissed
on the ground of lack of territorial jurisdiction. Learned Single
Judge has considered the factual aspect in quite a detail as well



as kept in mind the various issues as to what amounts to cause of action based on which a writ would be maintainable.

Since paragraphs 4 and 5 is the basis on which the writ application has been dismissed, the same are reproduced hereinbelow:

4. On the other hand, learned counsel for the respondents submitted that the petitioner was employee of Coal India Limited and he worked throughout either in the territorial jurisdiction of the Kolkata High Court or in the Jharkhand High Court. The petitioner retired from service from Dhanbad thereafter the petitioner filed CWJC No. 13955 of 2006 (Annexure-11) in which this Court vide order dated 08.02.2013 held that the petitioner retired from the services of the Coal India Limited and he was lastly posted in the territorial jurisdiction of Jharkhand or West Bengal and the aforesaid writ petition was dismissed on the ground of lack of territorial jurisdiction with liberty to the petitioner to present the writ petition for grant of retiral benefit before appropriate forum having territorial jurisdiction. It is further submitted that in the same facts and circumstances of the case, this Court in the case of Sheo Ballabh Narayan Singh in CWJC No. 10954 of 2013 vide order dated 02.12.2005 and vide order passed in the case of Shri Sachida Nand Prasad in CWJC No. 15244 of 2004 has held that no part of cause of action arose within the territorial jurisdiction of this Court



therefore, this Court has got no jurisdiction.

5. Having considered the facts and submissions of the parties, I find that admittedly the petitioner worked in Coal India Limited in the territory of West Bengal and Jharkhand and he retired from Dhanbad, Jharkhand but, the petitioner has filed this writ petition against the order of stoppage of his pension as contained in Annexure-12 and Annexure-14 issued by the Regional PF Commissioner, Asansol. Earlier the petitioner filed CWJC No. 13955 of 2006 for grant of retiral benefits in this Court and this Court vide order dated 08.02.2013 dismissed the writ petition of the petitioner on the ground of lack of territorial jurisdiction. The subject of payment of pension is included for relief for grant of retiral benefits. Earlier the writ petition of the petitioner for grant of retiral benefit was dismissed vide order dated 08.02.2013 in CWJC No. 13955 of 2006. The petitioner did not move in LPA or before the Supreme Court. The petitioners again filed the present petition against the order of stoppage of payment of pension to the petitioner (who is now dead). Therefore, I find that this Court lacks territorial jurisdiction and for all practical purposes for the sake of convenience when the petition of payment of retiral benefits of Bashishtha Narayan Mishra (now dead) is pending before the Jharkhand High Court, the petitioner should have filed the writ petition before the same High Court against the order of stoppage of pension as the payment of pension is also a part of retiral benefits.”



We do not find any legal infirmity in the view so taken
by the learned Single Judge. The appeal is dismissed.

(Ajay Kumar Tripathi, J)

Rajesh/-

(Nilu Agrawal, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.05.2018
Transmission Date	NA

