

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment reserved on : 9<sup>th</sup> October, 2018

Date of decision : 11<sup>th</sup> April, 2019

+ FAO 280/2011  
O.P. BANSAL

..... Appellant  
Through: Mr. Adarsh Ganesh, Adv.

Versus

UNION BANK OF INDIA  
Through: Mr. O.P. Gaggar, Adv.  
..... Respondent

**CORAM:**  
**HON'BLE MS. JUSTICE ANU MALHOTRA**

**JUDGMENT**

**ANU MALHOTRA, J.**

1. A revision petition under Section 115 of the CPC was filed by the petitioner which has been treated as an appeal against the impugned order dated 02.09.2008 of the learned ADJ, Delhi in Suit No. 100/2007 in view of the order dated 25.05.2011 whereby it was held that in as much as the petition has been filed against the order of the learned Trial Court having been passed under Order VII Rule 10 of the Code of Civil Procedure, 1908 whereby the plaint was returned to the plaintiff i.e. the present appellant to be presented to the Court having jurisdiction, it was not a revision petition but an appeal that could be filed and thus in terms of the verdict of the Hon'ble Supreme Court in *Nawab Shafiqat Ali Khan And Others vs. Nawab Imdad Jah Bahadur And Others* (2009) 5 SCC 162 and referred vide para

no. 48 in particular which reads as under:-

***“If the High Court had the jurisdiction to entertain either an appeal or a revision application or a writ petition under Article 226 and 227 of the Constitution of India, in a given case it, subject to fulfilment of other conditions, could even convert a revision application or a writ petition into an appeal or vice versa in exercise of its inherent power. Indisputably, however, for the said purpose, an appropriate case for exercise of such jurisdiction must be made out.”***

2. The petition directed to be treated as an appeal against the impugned order and was thus registered as FAO 280/2011.

3. The admitted facts germane for adjudication of the *lis* are to the effect that the appellant i.e. the plaintiff of the suit had joined as a clerk with the Union Bank of India on 12.04.1971 at the Chandni Chowk Branch, Delhi and was promoted in December, 1978 as Scale-I Officer and as Scale-II Officer on 01.06.1998 and sought voluntary retirement, which was ultimately sanctioned on 20.04.2001 and thus retired on the said date. The appellant i.e. the plaintiff was receiving his pension regularly as was payable to him upto August, 2005, which pension was being reimbursed to the appellant i.e. the plaintiff from one of the branch offices of the defendant i.e. the respondent herein of the Union Bank of India at 63, 1<sup>st</sup> Floor, CSC-2, Sector-9, Rohini, Delhi-110085. As averred by the defendant i.e. the respondent herein through para-8 of the reply on merits to the plaint, the retiring employees were given an option to designate any of their bank accounts at any branch for the purpose of credit of the pension and the pension is thus credited to the account of the retiring employee.

4. A memo was issued on 10.01.2003 to the appellant i.e. the plaintiff on behalf of the defendant i.e. the respondent herein to show cause as to why disciplinary action be not initiated for omissions and commissions, which constituted grave misconduct. The said show cause notice as submitted by the defendant i.e. the respondent herein was issued by the Assistant General Manager of the defendant i.e. the respondent herein as the Competent Authority under the Pension Regulations of the bank. A reply was submitted by the appellant i.e. the plaintiff to the said show cause notice vide letter dated 10.02.2003 and vide memo / show cause notice dated 15.03.2003 additional omissions and commissions were alleged against the appellant i.e. the plaintiff to which an explanation was submitted by him vide letter dated 07.04.2003 which the Assistant General Manager (IR) did not find convincing and charges were framed against the appellant i.e. the plaintiff vide Article of Charges dated 28.01.2005 and the appellant i.e. the plaintiff was proceeded under the provisions of Regulation 45 of the Union Bank of India (Employees) Pensions Regulations, 1995 and Union Bank of India Officer Employees (Discipline & Appeal) Regulations, 1976 and vide memo dated 22.02.2005, the defendant i.e. the respondent herein decided to proceed further against the appellant i.e. the plaintiff vide a departmental inquiry and Sh. K.V. Subramanian, Senior Manager (P) ZO, Ahmedabad was appointed as the Presenting Officer to represent the management's case, whereafter, the Inquiring Authority vide letter dated 07.07.2005 holding that two charges out of three charges were proved against the appellant i.e. the plaintiff to which the appellant i.e. the plaintiff made a submission to

the General Manager (HRM) who concurred with the findings of the Inquiring Authority and having found that the appellant i.e. the plaintiff's acts were grave in nature jeopardizing the interest of the bank, also found the appellant i.e. the plaintiff guilty of grave misconduct as defined in the Union Bank of India (Employees) Pensions Regulations, 1995, and thus ordered the withdrawal of 50% of the pension payable to the appellant i.e. the plaintiff permanently vide letter dated 14.09.2005. The appellant i.e. the plaintiff appealed against this order of the Competent Authority General Manager (HRM), which had directed 50% deduction in pension but was informed that there was no provision for an appeal against the said order and thus filed the suit seeking that the order dated 14.09.2005 of the Competent Authority was wrong, illegal, arbitrary and malafide and amounted to harassment / victimization and the appellant i.e. the plaintiff sought the following reliefs : -

***“(a) declaring that order dated 14.09.2005 is wrong, illegal and arbitrary and thus null and void and not binding upon the plaintiff and consequential benefits arising therefrom***

***(b) for decree of Rs. 1,11,539/- along with future and pendentelite interest @12% per annum and cost of the suit.***

***(c) For decree of Rs. 2,00,000/- towards damages for causing mental torture and harassment.***

***(d) pass such other or further orders as may deem fit and proper in the interests of justice.”***

5. Vide para -38 of the plaint, the appellant i.e. the plaintiff had averred to the effect that : -

***“38. That the Defendant is having one of its branch office in Delhi and Plaintiff is drawing its pensionary benefits at Delhi, hence this Hon'ble Court has got jurisdiction to try and decide the case.”***

6. Vide para-40, it was averred by the appellant i.e. the plaintiff of the suit to the effect that : -

***“40. That this court has got the territorial and pecuniary jurisdiction to try and decide the case.”***

7. Vide paras – 41 & 42, it was averred by the appellant i.e. the plaintiff to the effect that : -

***“41. That because of the un-lawful and illegal orders passed by the defendants, the plaintiff has been wrongly deprived of pensionary benefits with effect from 14.09.2005 till date i.e. April 2007 for more than 19 months amounting to Rs.1,11,539/-. That at present the plaintiff is suffering a loss of Rs.6,037/- p.m. The plaintiff has suffered mental depression and agony because of acts and omissions on the part of the Defendant.***

***42. That the plaintiff entitled to a sum of Rs.1,11,539/- from the defendants till April 2007. Besides, the damages amounting to Rs. 2,00,000.”***

8. The Trial Court record was requisitioned and admittedly brings forth that all the entire departmental inquiry against the charges of grave misconduct against the appellant i.e. the plaintiff related to proceedings, initiated at Ahmedabad, which culminated at Mumbai at the offices of the defendant i.e. the respondent herein. The action and

misconduct with which the appellant i.e. the respondent was charged with was whilst he was posted as Branch Manager, Shahibagh Branch, Ahmedabad for sanction for loans to the borrowers, who did not have any possession letters of any flats and despite the same sanctioned loans to persons who did not have any completion certificates of flats against which the loans were sanctioned. The defendant i.e. the respondent herein contended that they suffered pecuniary loss to the tune of Rs.25,41,781/-, which is attributable to the appellant i.e. the plaintiff.

9. The defendant i.e. the respondent herein before the learned Trial court categorically submitted that their branch at 63, 1<sup>st</sup> Floor, CSC-2, Sector-9, Rohini, Delhi-110085 was only nominated by the appellant i.e. the plaintiff for credit of the pension amount and that the same had nothing to do with the inquiry and the punishment imposed by the Competent Authority of the defendant i.e. the respondent herein on the appellant i.e. the plaintiff for the acts of omissions and commissions attributable and proved against him and that merely because he had nominated one branch out of branches in India, the same did not confer any territorial jurisdiction on the Court at Delhi.

10. Vide the impugned order, the learned Trial court observed qua the preliminary issue no. 1, which was framed to the effect : -

***“1) Whether the suit is barred by lack of territorial jurisdiction? OPP***

***Plaintiff Sh. O. P. Bansal has examined himself as PW-1 and deposed that the present affidavit has been filed only for the purpose of jurisdiction and he has reserved his right to file detailed evidence by way of affidavit later on***

*and his evidence is limited to the point of territorial jurisdiction only.*

*20. He further deposed that he joined the services of the defendant at Delhi and he used to receive complete pension at one of the Branch Office of the defendant situated at Sector-9, Rohini, Delhi and now the said branch of the defendant is disbursing reduced his pension.*

*21. He further deposed that part of cause of action has arisen within the territorial jurisdiction of this Court as Article of Charge and Statement of Allegations issued by Disciplinary Authority was received by him at Delhi (home-town) at the address given by him in the plaint. The copies of Article of Charge and Statement of Allegations are Ex. PW1/1 and Ex. PW1/2 respectively.*

*22. He further deposed that Disciplinary Authority fixed the venue for inquiry at Ahmedabad and part of the To & Fro expenses to attend the disciplinary proceedings were paid to him at Delhi and further deposed that this Court has got the territorial and pecuniary jurisdiction to try and decide the present case.*

*23. Ld. counsel for the plaintiff submitted that part of cause of action has arisen within the territorial jurisdiction of this Court as Article of Charge and Statement of Allegations issued by Disciplinary Authority was received by the plaintiff at Delhi and that the plaintiff was also receiving his pension at Branch Office of the defendant situated at Sector-9, Rohini, Delhi.*

*24. On the other hand, Ld. counsel for the defendant submitted that the disciplinary proceedings were initiated and conducted at Ahmedabad. He further submitted that the allegations and charges against the plaintiff pertains to his misconduct during his posting as Branch Manager*

*in Shahibagh Branch, Ahmedabad, Gujrat. He further submitted that the Competent Authority situate at Central Office of the Bank in Mumbai, so in this manner neither the cause of action has arisen in the territorial jurisdiction of this Court nor the Competent Authority under the Union Bank of India vests in the territorial jurisdiction of this Court.*

*25. The full Bench of Hon'ble Supreme Court of India in judgment reported as (2004) 6 Supreme Court Cases, 254 titled "Kusum Ingots & Alloys Limited V/s Union of India & Another" has held as under that : -*

*"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 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. 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. All necessary facts must form an integral part of the cause of action.*

*26. In the present case, plaintiff in his examination-in-chief has deposed that the Disciplinary Authority fixed the venue for inquiry at Ahmedabad. In the cross-examination he admitted that the accounts pertaining to the alleged irregularities in which the Articles of Charge*

*have been served on him pertains to Sahibagh Branch in Ahmedabad, Gujrat.*

*27. The material facts are that the plaintiff has been charge-sheeted on account of alleged irregularities committed by him while he was working as Branch Manager of the defendant bank at Sahibagh Branch in Ahmedabad, Gujrat and venue of Disciplinary Authority was also fixed for inquiry at Ahmedabad. The mere fact of receiving the Articles of Charge and Statement of Allegations at Delhi address of the plaintiff does not confer any jurisdiction to this Court, since all the material facts have happened at Ahmedabad.*

*28. In view of aforesaid discussions, I am of the view that this Court has no territorial jurisdiction to try the present suit and plaint is liable to be returned. Accordingly, plaint is returned to the plaintiff for presentation to the Court having jurisdiction. An endorsement in this regard to date of presentation of plaint and date of return thereof to the plaintiff be made on the plaint itself.”*

11. The learned Trial Court based its findings on the factum that the appellant i.e. the plaintiff had been charge-sheeted on account of the alleged irregularity committed made whilst he was working as Branch Manager of the defendant bank at Shahibagh Branch in Ahmedabad, Gujrat and disciplinary proceedings were conducted at Ahmedabad, Gujrat for the inquiry, in which the appellant i.e. the plaintiff also participated, held that merely because the statement of allegations were served on the appellant i.e. the plaintiff at the Delhi address, the same did not confer any jurisdiction on the Court at Delhi as all the material facts had happened at Ahmedabad.

12. Through the petition, the questions of law urged by the appellant i.e. the plaintiff are to the effect that :-

*“(i) Whether it was imperative for the plaintiff/petitioner to allege and prove that he has been charge sheeted ?*

*(ii) Whether it was imperative for the plaintiff/petitioner to allege and prove that Statement of Allegations have been issued by the Disciplinary Authority against the plaintiff/petitioner ?*

*(iii) Whether it was imperative for the plaintiff/petitioner to allege and prove that Article of Charge was received by the plaintiff/petitioner at Delhi ?*

*(iv) Whether it was imperative for the plaintiff/petitioner to allege and prove that the Statement of Allegations have been received by the plaintiff/petitioner at Delhi ?*

*(v) Whether it was imperative for the plaintiff/petitioner to allege and prove that plaintiff/ petitioner has been adversely affected at Delhi, because of adverse order regarding deduction in pension, which is being received by the plaintiff/petitioner at Delhi ?*

*(vi) Whether it was imperative for the plaintiff/petitioner to allege and prove that plaintiff/petitioner joined the services of respondent at Delhi ?*

*(vii) Whether the plaintiff/petitioner would not lose his right to judgment in his favour on failure of the plaintiff/petitioner to alleged and prove the fact that he has been charge sheeted ?*

*(viii) Whether the fact that the plaintiff/petitioner has been charged sheeted is not a material fact ?*

*(ix) Whether the fact that plaintiff/petitioner has received*

***the charge-sheet at Delhi is not a material fact ?***

***(x) Whether without pleading the fact that the plaintiff has not received the charge sheet at Delhi, the suit of the plaintiff is maintainable ?***

***(xi) Whether the fact that the plaintiff/petitioner has received the charge-sheet at Delhi, has got nothing to do nexus with the relief sought by the plaintiff/petitioner?”***

all based on the premise that in as much as the departmental inquiry had adversely affected the appellant i.e. the plaintiff because of the adverse order regarding deduction in pension, which was being received by him at Delhi and as he had received the charge-sheet at Delhi, the Courts at Delhi had territorial jurisdiction to try the suit.

13. It was contended on behalf of the appellant i.e. the plaintiff whilst placing reliance on the verdict of the Hon'ble Division Bench of the High Court of Rajasthan in ***Mohan Singh Vs. Union of India and Anr. 2001 (4) WLC 41*** to the effect that it had been laid down therein categorically that in relation to a claim to pension the place where the petitioner is entitled to or eligible for payment of pension within the territorial jurisdiction of a Court, on such claim being established, the Court where eligibility for payment of pension arises has jurisdiction to entertain the petition and that the place where the contract of service arose and relevant pension is payable and receivable by the retiring person has a place where part of cause of action arose, the Court over such place would have territorial jurisdiction to try suit.

14. Reliance was placed on behalf of the appellant i.e. the plaintiff on the verdict of this Court in *P.K. S. Shrivastava Vs. Union of India and Anr.* in WP(C) No. 10392/2015 to contend that the cause of action would be complete for filing the jurisprudential proceedings only on communication of adverse action and the place where the communication is made would be the place where the territorial jurisdiction would exist, although the order may have been passed elsewhere.

15. On behalf of the respondent, it was submitted that the determination of the cause of action has to be only on material facts which form the basic challenge and not all facts like service of the punishment order which has to be done at the address which the retiring employee indicates to the employer which he may change any time and any number of times and that will not change the status of the disciplinary proceedings. The respondents have submitted that all the records original ledgers, book of accounts and the records of the bank and the officers and employees who deposed on behalf of the management are not situated in Delhi and have to be brought to Delhi to defend the suit if it was held that this Court had territorial jurisdiction.

16. The respondent further submitted that the impugned judgment returning the plaint was delivered on 02.09.2008 but the appellant i.e. the plaintiff did not seek to institute any suit before the competent Court at Ahmedabad and wrongly chose to seek institution of a petition which was ultimately converted into an appeal.

17. Reliance was placed on behalf of the respondent on the verdict of the Hon'ble Supreme Court in ***Kusum Ingots & Alloys Limited Vs. Union of India and Anr. reported as (2004) 6 SCC 254*** and on the verdict of the Hon'ble Supreme Court in ***Eastern Coalfields Ltdv. Vs. Kalyan Banerjee reported as (2008) 3 SCC 456*** to contend that the Courts at Delhi do not have territorial jurisdiction to hear the claim of the appellant i.e. the plaintiff.

18. Reliance was placed on behalf of the respondent on the verdict of this Court in ***Manohar Lal Vs. UOI reported as 116 (2005) DLT 469 (DB)*** and also placed reliance on the proceedings dated 07.02.2013 of this Court in WP(C) No. 15099/2004 in the case titled as ***AK Jain Vs. UOI & Ors.*** where in a plea similar to that of the appellant i.e. the plaintiff of service of the orders of the disciplinary authority and the appellate authority, it was held to the effect that *merely because the petitioner resides at Delhi where the orders have been communicated will not give territorial jurisdiction to this Court.*

19. The verdict of this Court in ***Manohar Lal Vs. UOI (supra)*** relates to a case specifically where the departmental proceedings had taken place at Kanpur, the order of disciplinary was issued in Kanpur and the order of the appellate authority was passed in Allahabad and it was thus held that the cause of action did not arise within the territorial jurisdiction of this Court merely because the seat of the government is at Government, Delhi.

20. Apparently as rightly held by the learned Trial Court, no part of the cause of action in the instant case arises in Delhi. Undoubtedly, the

pension is receivable by the appellant i.e. the plaintiff at the Rohini Branch at Delhi of the respondent. However, the same does not confer the jurisdiction on the Courts at Delhi in as much as the reason for withdrawal of pensionary benefits is based on allegations of misconduct against the appellant i.e. the plaintiff which resulted into withdrawal of 50% of the pensionary benefits to the appellant herein i.e. the plaintiff. Thus, the present suit even though couched in a manner to contend that the recoveries related to the claim of the full pensionary amounts to be made to the petitioner, is actually a suit that has been filed challenging the investigation of the withdrawal of 50% pension permanently on it having been found that there was misconduct committed by the appellant i.e. the plaintiff. It is undoubtedly true that the Hon'ble Supreme Court in the case titled as ***Nawal Kishore Sharma Vs. Union of India and Others (2014) 9SCC 329*** has held that even where the part or fraction of cause of action arises within the jurisdiction of the Court, the Court would have jurisdiction. The appellant in that case had received a letter of refusal disentitling him from disability compensation. It was held in the facts and circumstances of that case that at the time when the writ petition had been considered by the Hon'ble High Court for grant of interim relief, the respondent in that case had not raised any objection with regard to the territorial jurisdiction but had opposed the prayer on the ground that they would have to pay the appellant a sum of Rs.2.75 lakhs which the appellant had refused to accept and had challenged the order granting severance of compensation. It was held by the Hon'ble Supreme Court that in as much as there was no opposition on behalf of

the respondent with regard to the territorial jurisdiction and that they had also submitted to the effect that the appellant / writ petitioner was offered an amount of Rs.2.75 lakhs that he had refused to accept the same that the impugned order could not be sustained in the peculiar facts and circumstances of the case.

21. The facts in the instant case undisputedly bring forth that the respondent has continued to contend at each stage that the Courts at Delhi do not have territorial jurisdiction to try the suit. The facts of the case in *Nawal Kishore Sharma Vs. Union of India and Others (supra)* thus are not in *pari materia* germane to the facts relied upon on behalf of the appellant i.e. the plaintiff.

22. The verdict of the Hon'ble Division Bench of the Hon'ble High Court of the Punjab and Haryana in *M.N. Thapar Vs. Union of India and Ors. in Civil Writ Petition No. 14393/2000* decided on 13.10.2010, undoubtedly does spell out to the effect : -

***“1. The High Court can exercise the writ jurisdiction with relation to the matter, the cause of action of which, wholly or in part arises within its territorial jurisdiction***

***2. For the purpose of deciding whether facts averred by the petitioner would or would not constitute a part of cause of action, one has to consider whether such facts constitute a material, essential or integral part of cause of action. In determining the said question the substance of the matter and not form thereof is to be considered. Even if a small fraction of the cause of action arises within the jurisdiction of the Court, the Court would have territorial jurisdiction to entertain the suit / petition, but it must be an integral part of cause of***

*action, nothing less than that. The facts pleaded in the petition must form the part of integral cause of action.*

*3. The mere communication of the order would not give territorial jurisdiction to the Court to entertain and try the writ petition.*

*4. In case of claim of pensionary benefits, the Court where the petitioner is residing would have the territorial jurisdiction to entertain and try the writ, on the principle that the debtor has to find the creditor, and also for the reason that the pension would be payable at the place of residence of the claimant. This would itself constitute cause of action.”*

23. It is essential to observe however that the adjudication commenced in the instant case by the appellant i.e. the plaintiff though couched in a manner that it relates only to the pensionary benefits, in fact seeks the setting aside of the order dated 14.09.2005 of the Inquiring Authority, which was upheld by the Disciplinary Authority of the Respondents of the reduction of the permanent withdrawal of 50% of the pension of the petitioner. Thus, it is apparent that none of the substantial questions of law as sought to be urged by the appellant i.e. the plaintiff in the instant case arise in as much as, thus though pension was in the nature of property as held by the Hon'ble Supreme Court in *State of Jharkhand and Ors. Vs. Jitendra Kumar Srivastava and Ors. 2013 ix AD (SC) 48* wherein it has been observed vide paras no. 7 & 8 to the effect: -

*“7. It is an accepted position that gratuity and pension are not the bounties. An employee earns these benefits by dint of his long, continuous, faithful and unblemished service. Conceptually it is so lucidly described in D.S. Nakara and Ors.*

*v. Union of India MANU/SC/0237/1982 : (1983) 1 SCC 305 by Justice D.A. Desai, who spoke for the Bench, in his inimitable style, in the following words:*

*The approach of the Respondents raises a vital and none too easy of answer, question as to why pension is paid. And why was it required to be liberalised? Is the employer, which expression will include even the State, bound to pay pension? Is there any obligation on the employer to provide for the erstwhile employee even after the contract of employment has come to an end and the employee has ceased to render service?*

*What is a pension? What are the goals of pension? What public interest or purpose, if any, it seeks to serve? If it does seek to serve some public purpose, is it thwarted by such artificial division of retirement pre and post a certain date? We need seek answer to these and incidental questions so as to render just justice between parties to this petition.*

*The antiquated notion of pension being a bounty a gratuitous payment depending upon the sweet will or grace of the employer not claimable as a right and, therefore, no right to pension can be enforced through Court has been swept under the carpet by the decision of the Constitution Bench in Deoki Nandan Prasad v. State of Bihar and Ors. MANU/SC/0658/1971 : (1971) Supp. S.C.R. 634 wherein this Court authoritatively ruled that pension is a right and the payment of it does not depend upon the discretion of the Government but is governed by the rules and a Government servant coming within those rules is entitled to claim pension. It was further held that the grant of pension does not depend upon any one's discretion. It is only for the purpose of quantifying the amount having regard to service and other allied matters that it may be necessary for the authority to pass an order to that effect but the right to receive pension flows to the officer not because of any such order but by virtue of the rules. This view was reaffirmed in State of Punjab and Anr. v. Iqbal Singh MANU/SC/0459/1976 : (1976) II LLJ 377 SC.*

**8. It is thus hard earned benefit which accrues to an employee and is in the nature of "property". This right to property cannot be taken away without the due process of law as per the provisions of Article 300A of the Constitution of India."**

24. Thought undoubtedly there are verdicts also of the Hon'ble High Court of Kerala at Ernakulam in *K.T. Sudharshanan Vs. Union of India 2018 SCC OnLine Ker 4003* and in *G. Madhavan Nair Vs. Union of India 2016 SCC OnLine 327* which relate to the aspect that in relation to the disability pensions which had not been paid the place where the retired employees live, is the place where the Court would have jurisdiction to try the suit, it cannot be overlooked that the said two petitions relate to the aspects of non payment of pensionary benefits *per se* and do not relate to the aspect involved in the case of the appellant i.e. the plaintiff whose reliefs for pensionary benefits is based on the claim seeking declaration that the order of the Disciplinary Authority dated 14.09.2005 was erroneous. The ratio of the aforementioned two cases is thus to be confined to institution of the petitions under Article 226 and 227 of the Constitution of India to cases where pensionary benefits simplicitor are not paid and the ratio thereof cannot relate to the facts and circumstances in the instant case where the appellant seeks the same pensionary benefits as received by him earlier and that the pensionary benefits are not being paid to him with inappropriate deduction, the same cannot thus in any manner be termed to be on the facts *pari materia* to the facts of the instant case in as much as the appellant herein i.e. the plaintiff was found guilty of grave misconduct, which resulted into permanent withdrawal of the

50% of the pension payable to him vide order dated 14.09.2005 of the Competent Authority of the General Manager (HRM) of the respondents.

25. It is thus apparent that in the instant case, as already observed hereinabove, the facts which materially caused the cause of action to come into formation are not simpliciter based on the aspect of the withdrawal of 50% of the pension to suffice to bring the case within the territorial jurisdiction of this Court and rather the material facts which form the bundle of facts in the instant case relate to the declaration of the inquiry proceedings and disciplinary proceedings upholding vide order dated 14.09.2005 withdrawal of pensionary benefits due to misconduct of the appellant i.e. the plaintiff at Ahmedabad where he was posted as the Branch Manager of the respondent.

26. In the instant case it is thus held that the learned Trial Court had rightly observed to the effect that this Court at Delhi has no jurisdiction to try the suit. In the circumstances the appeal is dismissed.

**ANU MALHOTRA, J**

**APRIL 11<sup>th</sup>, 2019**

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