

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. CR No.1384 of 2020
Krishna Bus Service Pvt. Ltd. ... Petitioner

Versus
Ved Parkash & others ... Respondents

2. CR No.1388 of 2020
Krishna Bus Service Pvt. Ltd. ... Petitioner

Versus
Ajay Kumar Sardana & others ... Respondents

3. CR No.1397 of 2020
Krishna Bus Service Pvt. Ltd. ... Petitioner

Versus
Jagjeet Singh & others ... Respondents

4. CR No.1410 of 2020
Krishna Bus Service Pvt. Ltd. ... Petitioner

Versus
Balraj & others ... Respondents

Date of decision: 9th November, 2021

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Amit Jhanji, Senior Advocate with
Ms. Eliza Gupta, Advocate for the petitioner.
Mr. Anurag Jain, Advocate for respondent No.1.
Mr. Sumeet Goel, Senior Advocate with
Mr. Manav Bajaj, Advocate for respondents No.2 to 4.

FATEH DEEP SINGH, J.

The above detailed four matters, being pertaining to the same

very employer, filed by different employees regarding a civil suit filed

for declaration regarding violation of deposit of employer's share of Provident Fund and not deducting the same from the salary of the employees, has been challenged being malafide, arbitrary and against the provisions of Provident Fund Scheme. The suits were initiated and were pending before the Court of learned Civil Judge (Junior Division), Hisar when the employer (now petitioner in these revision petitions) filed under Article 227 of the Constitution of India earlier before Trial Court had moved application under Order VII Rule 10 CPC for rejection of the plaint in each suit, and which stood dismissed by the said Court vide impugned orders (dated 06.01.2020 in Ved Parkash's case; dated 20.09.2019 in Ajay Kumar Sardana's and Jagjeet Singh's cases; and order dated 14.12.2018 in the case of Balraj). Thus, on account of common question of law and facts having been involved, all the present four revision petitions are being taken up together for disposal.

In the application, the employer had alleged that the then plaintiff employees mischievously and with a clever intent had filed a case in a Court in Hisar which did not have the jurisdiction and rather it was the Courts at New Delhi which had the jurisdiction and therefore, sought return of the plaint in terms of Order VII Rule 10 CPC.

Though the plaintiffs opposed stoutly the averments made in the application and claimed that the principal office of the employer was situated at Hisar and therefore, the Courts at Hisar had the jurisdiction to entertain, try and decide the present matter. The Employees' Provident Fund Organization in its reply had tried to support the employer by

claiming that the account of the plaintiffs was opened at Regional Provident Fund Commissioner, New Delhi and therefore, it was the Courts at Delhi which had the jurisdiction. In the light of this claim and counter-claim, present revision petitions have come about.

Heard learned counsel for the parties and perused the records of the case.

Section 15 CPC provides that every suit shall be instituted in the Court of the lowest grade competent to try it and further Section 16 CPC provides where the suits can be instituted enabling the suitor to chose any one of these forums if he is entitled to maintain this action in two different forums. Section 20 CPC which is a residuary provision and covers situations which are not covered by the limitation of Sections 15 to 19 of CPC and therefore, has in its sweep all personal actions. The very object of this statutory provision is to provide the jurisdiction to Courts in whose jurisdiction cause of action has partly arisen and was with the intent and motive to ensure that justice be brought as near as possible to every man's place. This was to ensure that anyone should not be troubled and to make expenses of travelling long distances in order to contest. The primary element of jurisdiction as to subject matter and cause of action is much relevant to be considered as to the institution of the suits. Reverting back to the instant case, the plaintiffs (now respondents) are all residents of Hisar district. Though the revisionist (then defendant) employer claims to have the principal office at Kashmiri Gate, New Delhi, but it was at Hisar they have been duly served with the

process of the Court. It is not displaced by learned counsel for the revisionist that this address has been wrongly denoted and Mr. Anurag Jain, Advocate representing the respondent employees has highlighted that in an earlier litigation between the employer and the employee, it is well elicited in the Award passed by the Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar that M/s Krishna Bus Service Private Limited had its branch office in New Rishi Nagar, Hisar and the registration details issued by the Employees' State Insurance Corporation/temporary identity certificate in respect of the employer has been shown to be at Hisar, and so is the daily booking cash statement which depicts the Branch Office of the employer to be at Hisar and so is the E-challan submitted by the depositor/employer in the State Bank at Hisar. Moreover, the letters addressed to General Manager, Haryana Roadways Hisar by the employer for implementation of orders of time-table for Hisar-Delhi route, show the employer had its branch office at Hisar and so are the objections filed by it to the time-table to the Regional Transport Authority at Hisar. Even the documents of the Labour Department depict it so including the appeal of the employer before the Appellate Authority under the Payment of Gratuity Act, 1972, the own letter-head carrying certificate issued by the employer to the employee and which documents are on the record and could not be displaced by learned counsel for the petitioner. From this clinching and unrebutted documentary evidence, it stands established that the employer had its branch office at Hisar.

On behalf of the petitioner, Mr. Amit Jhanji, Senior Advocate assisted by Ms. Eliza Gupta, Advocate has placed reliance on '**Subodh Kumar Gupta vs. Shrikant Gupta & others**' (1993) 4 SCC 1; '**Indian Performing Rights Society Limited vs. Sanjay Dalia and another**' (2015) 10 SCC 161; '**Begum Sabiha Sultan vs. Nawab Mohd. Mansur Ali Khan & others**' (2007) 4 SCC 343; '**New Moga Transport Co. vs. United India Insurance Co. Ltd. & others**' (2004) 4 SCC 677; and '**M/s Synokem Pharmaceuticals vs. M/s Klean Air Equipment & others**' 2018 (4) PLR 551.

Since the branch office was at Hisar and so the daily booking cash statement showing the names of the employees who are litigating with the employer are depicted therein to be employed at Hisar branch office and therefore cause of action has arisen to the plaintiffs to institute the suit at Hisar and in terms of Section 20 CPC. The plaintiff has a choice of forum and cannot be compelled to go to a place even if the employer claims that the Head Office is at Delhi and rather what appears to the mind of this Court is nothing but a mischief/a ploy crafted by the employer to put the employees to much harassment and agony and which the Courts are supposed to look into, and the entire contents of the application under Order VII Rule 10 CPC are misstatements with a malafide intention to defeat the dispensation of justice. The Court below in the impugned order has considered at length all these documents placed on the record by the parties and has rightly drawn the conclusion that posting of the plaintiff employees and so the branch office of the

employer transporter was at Hisar and therefore, the Court at Hisar had the jurisdiction to entertain, try and decide the suit in question. This Court does not find any illegality or perversity in these findings. In view thereof, all the present four revision petitions being wholly without merit stand dismissed.

(FATEH DEEP SINGH)
JUDGE

November 9, 2021
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No