

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1083 of 2021

1. Ram Chandra Bhagwan Son of Haran Roy, resident at Mohalla Nai Sarai (Dhobi Gali) Biharsharif, Police Station- Biharsharif, District - Nalanda.
2. Malti Devi, Wife of Ram Chandra Bhagwan, resident at Mohalla Nai Sarai (Dhobi Gali) Biharsharif, Police Station- Biharsharif, District - Nalanda.

... .. Petitioner/s

Versus

1. The Union of India through the Director Coal Ministry, Government of India, New Delhi.
2. The Union of India through the Ministry, New Delhi.
3. The General Manager (Personal) Central Coal Fields Limited, Darbhanga House, Ranchi (Jharkhand).
4. The Director (Personal) Central Coal Fields Limited, Darbhanga House, Ranchi (Jharkhand).
5. The Project Officer, Kedla Washery (Hazaribagh), Central Coal Field Limited.
6. The General Manager Charhi Central Coal Fields Limited, Hazaribagh.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rabindra Prasad Singh, Advocate
For the Respondent/s	:	Mr. Vishwa Mohan Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 21-11-2022

Heard Mr. Rabindra Prasad Singh, learned counsel appearing on behalf of the petitioners, Mr. Vishwa Mohan Kumar Sinha, on behalf of the Central Coal Fields Limited and the learned counsel for the Union of India.

The petitioners are unfortunate parents, who are seeking a direction upon the respondents to grant death-cum-retiral benefit including, gratuity, life cover scheme, provident fund, C.M.P.F. and family pension along with other monetary benefit with up-to-



date interest in terms of N.C.W.A. scheme. This is the admitted fact that the son of the petitioners, Late Mukesh Kumar was posted as Assistant Manager (E&M) at Kedla, Washery, Bokaro under the Central Coal Fields Limited, Jharkhand. Unfortunately, the son of the petitioner died in a road accident on 30.12.2019 at Charhi, Hazaribagh.

Before coming to the merit of this case, Mr. Sinha learned counsel for the Central Coal Fields Limited vehemently submits that the present writ application is not maintainable on account of lack of territorial jurisdiction, as the son of the petitioner was employee of Kedla, Washery, Bokaro, Central Coal Fields Limited, Jharkhand and the relief which has been claimed, is solely against the authorities, who reside within the State of Jharkhand. Mr. Sinha, by referring to the statements made in the counter affidavit also submits that there is rival claim between the wife and parents of the deceased employee and for ventilating the grievance, the wife of deceased had filed a writ petition, bearing WP (C) No. 3304 of 2020 before the Hon'ble Jharkhand High Court for payment of terminal dues of the deceased employee.

It is needless to say, that writ petition seeking enforcement of Fundamental Right can be made either to Supreme Court or to the High Court of a respective State within whose



jurisdiction or local limits, either the person or the authority or Government resides, against whom the aggrieved seeks the Court to issue writs. Article 226 (1) of the Constitution provides that High Court within whose jurisdiction the person/authority/Government is located, would have jurisdiction to entertain the writ petition directed against any of them, irrespective as to facts as to where the cause of action arose in that State provided that there was cause of action for filing writ petition.

Hence, the High Court has jurisdiction to entertain writ petition against the person/authority that is situated within its local limits and also in case where whole or part of the cause of action arose in their respective local limits of the State, where the High Court is situated.

Admittedly, the deceased employee was posted as Assistant Manager (E&M), Kedla, Washery, Bokaro under the Central Coal Fields Limited, Jharkhand, who unfortunately died in a road accident on 30.12.2019 at Hazaribagh. Hence, this Court is of the opinion that the writ application lacks territorial jurisdiction, as neither any cause of action is arisen within the territorial limits of the jurisdiction of this Court nor the authorities against whom, the reliefs sought for, resides. Hence, in the opinion of this Court, this writ application lacks territorial jurisdiction.



Accordingly, the present writ application stands disposed of, however, the petitioners are at liberty to agitate their grievance before the Hon’ble Jharkhand High Court or any competent Court, if so advised.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.11.2022.
Transmission Date	NA

