

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

54 WRIT PETITION NO.8638 OF 2016

SURESH NARAYAN PUNEKAR

VERSUS

CHAIRMAN AND MANAGING DIRECTOR,
CENTRAL BANK OF INDIA MUMBAI AND ANOTHER

...

Advocate for Petitioner : Mr G.K. Thigale Girish K. (Naik)
Advocate for Respondent No.1 : Mr S.V. Warad

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, J.J.**

DATE : 17th JANUARY, 2022

PER COURT :

1. The present petition is filed against the order negating the claim of the petitioner for pension.
2. Mr Warad, the learned counsel has raised the preliminary objection that this Court may not exercise territorial jurisdiction.
3. Mr Thigale, learned counsel submits that if the petitioner would have been sanctioned pension, the petitioner would have received the pension at his native village at Ghansawangi, Dist. Jalna. In view of that, part of cause of action can be said to arise within the territorial jurisdiction of this Court. The learned counsel to buttress his submissions, relied on the Judgment of the Apex Court in the case of ***Shanti Devi Vs. Union of India (UOI) and Ors. reported in (2020) 10 SCC 766.***

4. We have also heard Mr Warad, the learned counsel for respondent No.1.

5. The petitioner was working with Central Bank of India at Jhansi, Lucknow Zone in the State of Uttar Pradesh. The petitioner tendered his resignation at Jhansi. The said resignation was accepted at Jhansi.

6. The request of the petitioner for pension was rejected on 1st September, 2020 by respondent No. 2 at Mumbai. Subsequently, the petitioner made representation from the residence at Pune to respondent No. 2. Respondent No. 2 again rejected the same under order dated 28th October, 2010. The petitioner was communicated about the said rejection at his Pune address.

7. All the aforesaid facts would establish that no part of cause of action has arisen within the territorial jurisdiction of this Court.

8. In case of Shanti Devi (supra), the petitioner therein was sanctioned pension and was receiving the pension for 8 years at Darbhanga, State of Bihar. After receiving the pension for 8 years, the pension was stopped. In that context, the Apex Court held that the pension that was received by the petitioner therein at Darbhanga was stopped and so the Patna High Court had the territorial jurisdiction.

9. As discussed above, in the present case, no part of cause of action has arisen at Aurangabad. The resignation is submitted at Jhanshi, State of Uttar Pradesh. The said resignation is accepted at Jhanshi. The

proposal of the petitioner for pension is rejected at Bombay by respondent No.2. The communications are made by the petitioner for grant of pension from Pune with respondent No. 2 at Mumbai.

10. In light of the aforesaid facts, no part of cause of action has arisen within territorial jurisdiction of this Court.

11. In view of that, writ petition is disposed of with liberty to the petitioner to avail the remedy before the appropriate forum. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

mta