

May 01, 2023
(9) ARDR

WPA 7625 of 2023

Shyama Prasad Kundu
Vs.
The Union of India & Ors.

Adv. Pranay Basak,
Adv. Dipanjan Biswas,

...for the petitioner.

Adv. S. M. Obaidullah,
Adv. Nikhil Kumar Roy,

...for the respondent nos. 3 to 8.

Adv. Kallol Guha Thakurata,
Adv. Md. Wasim Rahaman,

...for the respondent nos. 1, 9 to 11.

The petitioner has filed the present writ petition for recording the name of the petitioner's wife for receipt of pensionary benefits after his death. Furthermore, the petitioner has also prayed for revised rate of pension under the National Coal Wage Agreement (NCWA-IX).

Mr. Basak, learned counsel appearing on behalf of the petitioner, submits that the petitioner retired from his service in 2012. Despite several representations from 2013 onwards, the grievances of the petitioner have not been redressed. Since the petitioner resides within the territorial jurisdiction of this Hon'ble Court, therefore, this writ petition is maintainable. Furthermore, the respondent no.3/Bharat Coking Coal Limited is also a subsidiary of respondent no.2/Coal India Limited and therefore, the writ petition is maintainable.

Mr. Obaidullah, learned counsel appearing on behalf of the respondents no. 3 to 8 submits that due to

the lack of territorial jurisdiction, the present writ petition is not maintainable as the entire cause of action arose outside the territorial jurisdiction of this Hon'ble Court.

Mr. Guha Thakurata, learned counsel appearing on behalf of Coal Mines Provident Fund Organisation (CMPFO) and submits that the representations of the petitioner may be considered by the authorities concerned.

Considering the rival submissions of the parties and materials placed on record, this Court is of the view that the appointment of the petitioner was outside the jurisdiction of this Hon'ble Court in the State of Jharkhand. The entire service tenure of the petitioner was in Jharkhand and he also superannuated from the State of Jharkhand. All the communications by the petitioner to the employer concerned/BCCL are made to the concerned authorities in the State of Jharkhand. The authorities concerned who would examine the grievance of the petitioner for correction of the service book and disbursement of the enhanced pension are also situate within the State of Jharkhand. No grievance has been addressed to Coal India Limited (CIL) for redressal.

In the light of the discussions above, this Court is of the view that this Court has no territorial jurisdiction to receive, try and entertain the present writ petition as the entire cause of action arose outside the State of West

Bengal and the authorities concerned are carrying on business outside the State of West Bengal. As such, no part of cause of action has arisen within the State of West Bengal.

In the light of the observations made hereinabove, **WPA 7625 of 2023 is dismissed.**

However, the petitioner will be at liberty to approach the appropriate forum for redressal of his grievance on the self-same cause of action, if so advised.

Since no affidavits have been directed to file in the instant writ petition, all the allegations contained therein are deemed not to have been admitted by the parties.

All parties shall act on the serve copy of this order duly downloaded from the official **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all formalities.

(Lapita Banerji, J.)