



C.R.P(MD)Nos.3187,3188 and 3189 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

CORAM:

THE HON'BLE MR.JUSTICE KRISHNANA RAMASAMY

C.R.P(MD)Nos.3187 to 3188 of 2024

CRP(MD)No.3187 of 2024:

P.Singapandian

... Petitioner/Claimant/Claimant

Vs.

Kothari Madras International Ltd.,

Represented by its Director,

Mr.Sivaraman Shanmugavadivel

... Respondent/Respondent/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to issue a direction to the Labour Court, Madurai to number the Claim Petition under e-filing reference No.CNR No.TNMD040001372024 in filing number 137 of 2024 and to dispose the same on merits in accordance with law.

CRP(MD)No.3188 of 2024:

C.Sudhagar

... Petitioner/Claimant/Claimant

Vs.

Kothari Madras International Ltd.,

Represented by its Director,

Mr.Sivaraman Shanmugavadivel

... Respondent/Respondent/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to issue a direction to the Labour Court, Madurai to number the Claim Petition under e-filing reference



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No.CNR No.TNMD040001372024 in filing number 139 of 2024
and to dispose the same on merits in accordance with law.

CRP(MD)No.3189 of 2024:

R.Sannasi Raja

... Petitioner/Claimant/Claimant

Vs.

Kothari Madras International Ltd.,

Represented by its Director,

Mr.Sivaraman Shanmugavadivel

... Respondent/Respondent/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to issue a direction to the Labour Court, Madurai to number the Claim Petition under e-filing reference No.CNR No.TNMD040001372024 in filing number 138 of 2024 and to dispose the same on merits in accordance with law.

For Petitioner : Mr.C.Prithviraj

COMMON ORDER

These Civil Revision Petitions are filed against the rejection of Claim Petitions by the Labour Court, Madurai, on the ground that respondent company is located at Channai and the petitioners have no jurisdiction to file the claim petitions at Madurai and only the Labour Court, Chennai will have the jurisdiction.



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2. The learned counsel for the petitioners would submit that the petitioners, who are retired employees, are residing at Theni and therefore, they have filed Claim Petitions before the Labour Court, Madurai and the Labour Court, Madurai, wrongly rejected the claim petitions.

3. The learned counsel for the petitioners would further submit that in the case of retired employees, wherever the retired employees reside lastly after the time of retirement, will have jurisdiction. In support of his contention, he relied on the judgment of the Hon'ble Supreme Court in **2020(2)CWC 821(Shanthi Devi Alaias Shanti Mishra Vs. Union of India** and others). The relevant portions of the said judgment are extracted hereunder:

" 18. Mulla on the Code of Civil Procedure while commenting on Section 20 of the Civil Procedure Code defined cause of action in following words:- "The expression 'cause of action' has acquired a judicially settled meaning. In the restricted sense 'cause of action' means the circumstances forming the infraction of the right or the immediate occasion for the action. In the wider sense, it means the necessary conditions for the maintenance of the suit, including not



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only the infraction of the right, but the infraction coupled with the right itself. Compendiously the expression means every fact by which it would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the Court.....”

27. Learned counsel for the appellant has also placed reliance on a Division Bench judgment of Patna High court in Saryu Singh Vs. The Union of India and Ors., 2015(2) PLJR 256. The above was a case where the petitioner had claimed the due pensionary benefits whose grievance was that payment made to him was less payment. In the above context, the Division Bench in paragraphs 63, 64 and 66 laid down following:- “63. Recently pointed out the Supreme Court, in Nawal Kishore Sharma v. Union of India, reported in (2014) 9 SCC 329, that the question, whether or not cause of action, wholly or in part, has arisen within the territorial limit of any High Court, shall have to be decided in the light of the nature and character of the proceedings under Article 226 of the Constitution of India. In order to maintain a writ petition, the petitioner has to establish that a legal right claimed by him has been infringed by the respondents within the territorial limit of the Court’s jurisdiction. 64. In the backdrop of the position of law, as discussed above, it needs to be noted that the writ petitioner was, admittedly, an employee of Coal India Limited and as per the terms and conditions of his employment, the writ petitioner, as an employee, is, admittedly, required to be paid his pension and pensionary benefits by his employer at Patna. 66. If, therefore, the writ petitioner is not paid the sum of money, which is due and payable to him as pension and pensionary benefits, at Patna, it



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becomes obvious that his right to receive due and payable pension and pensionary benefits, at Patna, is being denied; consequently the infringement of his right or his sufferance of injury is at Patna.”

28. The above judgment of the same High Court was relevant in the facts of the present case, which judgment although was delivered prior in time, but was not noticed by the learned Single Judge as well as the Division Bench.

29. From the facts of the present case, we are of the considered opinion that part of cause of action has arisen within the territorial jurisdiction of Patna High Court. The deceased petitioner was continuously receiving pension for the last 08 years in his saving bank account in State Bank of India, Darbhanga. The stoppage of pension of late B.N. Mishra affected him at his native place, he being deprived of the benefit of pension which he was receiving from his employer. The employer requires a retiring employee to indicate the place where he shall receive pension after his retirement. Late Shri B.N. Mishra had opted for receiving his pension in State Bank of India, Darbhanga, State of Bihar, which was his native place, from where he was drawing his pension regularly for the last 08 years, stoppage of pension gave a cause of action, which arose at the place where the petitioner was continuously receiving the pension. We, thus, are of the view that the view of the learned Single Judge as well as the Division Bench holding the writ petition not maintainable on the ground of lack of territorial jurisdiction was completely erroneous and has caused immense hardship to the petitioner.

34. In result, we allow the appeal, set aside the judgment of the



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Patna High Court and hold that Writ Petition No. 5999 of 2014 was fully maintainable at Patna High Court and learned Single Judge and Division Bench committed error in dismissing the writ petition on the ground of lack of territorial jurisdiction. The writ petition stands revived before the Patna High Court. 35. We are also of the view that appellant is entitled for an interim order in the writ petition for her sustenance. The appellant's husband, who had filed the writ petition had died during the pendency of the writ petition. After his death, the appellant, the widow was substituted. Six years have passed after filing of the writ petition wherein stoppage of pension was questioned. Appellant being the widow is also entitled for pensionary benefit for her sustenance since her husband was receiving pension. We are of the view that during the pendency of the writ petition the appellant is entitled to be paid provisional pension which shall be subject to final decision in the writ petition. We, therefore, direct respondent Nos.4 to 8 to ensure that provisional pension to the appellant is paid from the month of December, 2020, which shall be subject to final orders passed in the writ petition. The appeal is allowed accordingly."

4. In view of the judgment of the Hon'ble Supreme Court cited supra and considering the submissions of the learned counsel for the petitioners, I am of the view that the Labour Court, Madurai, will have jurisdiction to entertain the claim petitions filed by the petitioners. Hence, the Labour Court, Madurai, is directed to



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entertain the claim petitions filed by the petitioners on file and adjudicate the petitions in accordance with law.

5. With the above directions, these Civil Revision Petitions are disposed of. No costs.

19.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

The Labour Court, Madurai



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KRISHNANA RAMASAMY, J.

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