

EMPLOYEES OF AMBUJA CEMENT LTD
DARLAGHAT GROUP OF WORKERS
VS
AMBUJA CEMENT CO. AND ANR

Present: Mr. V.D. Khidtta, Advocate
for applicant-respondents No.3, 4 and 14.

Mr. Rajiv Atma Ram, Sr. Advocate with
Mr. Rajat Khanna, Advocate,
Mr. Vijay Pratap Singh, Advocate and
Mr. Vishal Saini, Advocate
for the non-applicant-petitioner.

1. The applicant through instant application is seeking review of order dated 27.08.2024 passed by this Court. The sole ground to seek review is territorial jurisdiction.

2. Mr. V.D. Khidtta, Advocate submits that impugned order though was passed at Chandigarh yet this Court has no territorial jurisdiction because factory of the Management is located in the State of Himachal Pradesh and workers are working therein. The jurisdictional error can be rectified at any stage and even consent order cannot come in the way.

3. Concededly order dated 27.08.2024 was passed with the consent of learned counsel for the parties. The petitioner is disputing said order on the sole ground that this Court has no territorial jurisdiction. The said question was not raised at any point of time, nevertheless, this Court is not oblivious of the fact that workers made their representation to Labour authority at Shimla and their representation was transferred to Labour authorities at Chandigarh. The demand notice by workers was served at Chandigarh and thereafter claim was filed at Chandigarh.

4. Supreme Court in '*M/s Kusum Ingots & Alloys Ltd Vs. Union of India and another*', 2004 (2) RCR (Civil) 720 has categorically

held that even small fraction of cause of action gives jurisdiction. It is not a case of decree whereas it is a case of writ jurisdiction and as per Article 226 of the Constitution of India, power under writ jurisdiction can be exercised even where seat of the State/respondent is located beyond the territorial jurisdiction of the Court.

5. In the wake of aforesaid facts and findings, there is no reason to recall/review order dated 27.08.2024 passed by this Court.

6. Application stands dismissed.

(JAGMOHAN BANSAL)
JUDGE

13.09.2024
Ali