



2024:DHC:10136-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 182/2022 & CM APPL. 12422/2022**

BUSINESS BHASKAR NEWSPAPERAppellant
Through: Mr. Hrishikesh Baruah, Mr.
Nirmal Mishra, Ms. Naisargika and Mr.
Anurag Mishra, Advs.

versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents
Through: Mr. Rishikesh Kumar, ASC
with Mr. Vikas Saini, Mr. Atik Gill, Ms.
Sheenu Priya, Advs. for GNCTD.
Mr. Soumyajit Pani, Adv. for Respondent /
Workmen.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

JUDGMENT (ORAL)

% **23.12.2024**

C. HARI SHANKAR, J.

1. This appeal, under Clause X of the Letters Patent as applicable to this Court, assails judgment dated 27 January 2022, passed by a learned Single Judge of this Court in WP (C) 8550/2018¹. The writ petition, in turn, challenged order dated 2 July 2018, passed by the Deputy Labour Commissioner, Central District, New Delhi², whereby the DLC framed in terms of reference and referred a dispute, relating

¹ **Business Bhaskar Newspaper v GNCTD & others**

² "the DLC" hereinafter



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to arrears of salary claimed by workmen of the appellant-Newspaper, to the Labour Court, Dwarka, for adjudication. The workmen claimed arrears of wages on the basis of the recommendations of the Majithia Wage Boards³, issued under the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955⁴.

2. In all, the dispute was raised by 13 workmen. The appellant, before the learned Single Judge, challenged the jurisdiction of the Government of National Capital Territory of Delhi⁵ to refer the dispute, in respect of 7 of the workmen and the jurisdiction of the Labour Court in Central Delhi to adjudicate on the dispute in respect of the remaining 6 workmen. In respect of the first category of 7 workmen, the appellant contended that the GNCTD had no jurisdiction to refer the dispute to adjudication to the Labour Court at all, and that any reference in that regard would have to be made by the Rajasthan State Government. In respect of the second category of 6 workmen, the jurisdiction of the GNCTD to refer the dispute was not questioned, but it was contended that adjudication of the dispute would have to be by the Labour Court having jurisdiction over the South Delhi District and that the Central Delhi Labour Court was *coram non judice*.

3. The impugned judgment of the learned Single Judge adjudicates on these objections, and rejects them.

³ "the Majithia Wage Board" hereinafter

⁴ "the Working Journalists Act" hereinafter

⁵ GNCTD



4. Before us, Mr Hrishikesh Baruah, learned Counsel for the appellant, has restricted his challenge to the jurisdiction of the DLC, GNCTD to entertain and refer the claim of the respondent-workmen to the Labour Court at Delhi. Mr Baruah's contention is that the claims ought to have been preferred, if at all, before the governmental authorities at Jaipur, and could have been entertained only by the Labour Court at Jaipur.

5. Having heard Mr. Hrishikesh Baruah for the appellant and Mr. Soumyajit Pani for the respondent, we find ourselves in agreement with the views expressed by the learned Single Judge.

A brief conspectus of the dispute

6. Section 17 of the Working Journalists Act reads thus:

“17. Recovery of money due form an employer –

(1) Where any amount is due under this Act to a newspaper employee from an employer, the newspaper employee himself, or any person authorized by him in writing in this behalf, or in the case of the death of the employee, any member of his family may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery of the amount due to him, and if the State Government or such authority, as the State Government may specify in this behalf, is satisfied that any amount is so due, it shall issue a certificate for that amount to the Collector, and the Collector shall proceed to recover that amount in the manner as an arrear of land revenue.

(2) If any question arises as to the amount due under this Act to a newspaper employee from his employer, the State Government may, on its own motion or upon



application made to it, refer the question to any Labour Court constituted by it under the Industrial Disputes Act, 1947 (14 of 1947), or any corresponding law relating to investigation and settlement of industrial disputes in force in the State and the said Act or law shall have effect in relation to the Labour Court as if the question so referred were a matter to the Labour Court for adjudication under that Act or law.

(3) The decision of the Labour Court shall be forwarded by it to the State Government which made the reference and any amount found due by the Labour Court may be recovered in the manner provided in sub-section (1).”

7. There is no dispute about the fact that the respondent-workmen are “newspaper employees”, and that the appellant is an “employer”, within the meaning of the Working Journalists Act.

8. In exercise of the powers conferred by Sections 9 and 13C of the Working Journalists Act, the Government, on 24 May 2007, constituted two Wage Boards, both chaired by Hon’ble Mr. Justice G.R. Majithia, a learned retired Judge of the High Court of Bombay and earlier of the High Court of Punjab and Haryana, to submit recommendations for revision of wages of journalists and non-journalist newspaper employees. The Majithia Wage Boards submitted their recommendations, which were accepted and notified by the Government on 11 November 2011. The challenge was incorporated, to the recommendations of the Majithia Wage Boards, before the Supreme Court which, *vide* judgment dated 7 February 2014⁶, upheld the recommendations. It was further directed, in para 74 of the report from the judgment of the Supreme Court, thus:



“74. In view of our conclusions and dismissal of all the writ petitions, the wages as revised/determined shall be payable from 11-11-2011 when the Government of India notified the recommendations of the Majithia Wage Boards. All the arrears up to March 2014 shall be paid to all eligible persons in four equal instalments within a period of one year from today and continue to pay the revised wages from April 2014 onwards.”

The directions issued by the Supreme Court were not followed, resulting in the filing, before the Supreme Court, of Contempt Petition 411/2014⁷ in the aforementioned writ petition. The contempt petition was disposed of, by the Supreme Court, by order dated 19 June 2017, reserving liberty with the petitioners to urge all complaints, regarding non-implementation of the recommendations of the MWB in accordance with Section 17 of the Working Journalists Act.

9. The workmen, therefore, filed their claims, in terms of Section 17 of the Working Journalists Act, before the DLC, GNCTD, who framed the terms of reference and referred the dispute to the learned Labour Court, Dwarka *vide* order dated 2 July 2018. In this context, a further order passed by the Supreme Court on 28 January 2019, in MA 171/2019 referred to in the Contempt Petition 411/2014, which had already been disposed of, merits reproduction:

“Having heard learned counsel for the applicant, we are of the view that this miscellaneous application should be disposed of by directing the Labour Courts/Industrial Tribunals in seisin of matters under Section 17(2) of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, to dispose of the same without granting any unnecessary adjournments keeping in mind that the time frame



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fixed by this Court is six months from the date of reference. We also request the High Courts that while entertaining matters against the orders passed by the Labour Courts and Industrial Tribunals, they will keep in mind the above time schedule so as to ensure that the order of this Court is fully complied with.

The miscellaneous application is, accordingly, disposed of.”

10. As already noted, 12 workmen agitated their claims. The claims covered a period 11 November 2011 to 30 April 2014. For 23 of these 31 months, all the respondent-workmen were working in the Delhi office of the appellant. On 1 August 2013, they were transferred to the Jaipur office of the appellant. Five of the workman resigned. The remaining seven joined duty at Jaipur and were there till their retirement. It is not in dispute that, on the date of submission of their claims before the DLC, the said seven workmen had also retired. As such, on the date when the claims were submitted under Section 17 of the Working Journalists Act, no workman was working at Jaipur. This is a factor of considerable importance, given the nature of the present dispute.

11. The order dated 2 July 2018, of the DLC, referring the dispute to the Dwarka Labour Court, was assailed by the appellant before this Court by way of WP (C) 8550/2018, in which the impugned judgment has come to be rendered.

Rival Contentions before the learned Single Judge

12. Before the learned Single Judge, the appellant sought to contend that, insofar as the workmen who had been transferred to Jaipur was



concerned, the reference could not have been made by the GNCTD, which had no jurisdiction in the matter. The reference, if at all, had to be made by the Rajasthan State Government, to the Labour Court at Jaipur. Reliance was placed, in this context, on Rule 36⁸ of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Rules, 1957⁹. Additionally, reliance was placed on the judgement of this Court in *Braham Prakash v GNCTD*¹⁰, to contend that the concerned Labour Court, to which reference under Section 17 of the Working Journalists Act could be made, was the Labour Court having jurisdiction over the situs of last employment of the workman. Inasmuch as the workmen, in the present case, stood transferred to Jaipur on 8 August 2013, and the claims were filed on 13 September 2017, they were required to have been filed before the Labour Court at Jaipur. Before us, Mr. Baruah has additionally relied on the judgement of the Division Bench of this Court in *J. Balaji v The Hindu*¹¹.

13. As against this, the workmen contended, before the learned Single Judge, that, as, for 23 months out of the 31 months for which wages were being claimed, they were posted at Delhi, a substantial part of the cause of action had arisen within the territorial jurisdiction of the Labour Courts in Delhi and that, therefore, the reference was maintainable. Reliance was placed, by the workmen, on the judgement

⁸ 36. **Application under Section 17 of the Act.** – An application under Section 17 of the Act shall be made in Form 'C' to the Government of the State, where the Central Office or the Branch Office of the newspaper establishment in which the newspaper employee is employed, is situated.

⁹ "the Working Journalists Rules" hereinafter

¹⁰ 2008 (2) SLR 624

¹¹ 2023 SCC OnLine Del 5352



of the Supreme Court in *Samarjit Ghosh v Bennett Coleman & Co.*¹², in which the Supreme Court held that Rule 36 of the Working Journalists Rules was enacted in favour of the workmen.

The impugned judgment

14. The learned Single Judge has, in para 19 of the impugned judgment, observed that the shot issue that arose for consideration was whether the reference made by the Delhi government was bad for want of jurisdiction. Thereafter, she has extracted clauses (c) and (d)¹³ of Section 2, and Section 17 of the Working Journalists Act and Rule 36 of the Working Journalists Rules and has also adverted to Section 2(a)¹⁴ of the Industrial Disputes Act, 1947¹⁵, which defines “appropriate Government”, and observed that Form C, in which the claim is to be filed, requires the address of that newspaper establishment to be entered, from which the workmen are to receive the amounts claimed by them. The learned Single Judge has,

¹² (1987) 3 SCC 507

¹³ (c) “newspaper employee” means any working journalist, and includes any other person employed to do any work in, or in relation to, any newspaper establishment;

(d) “newspaper establishment” means an establishment under the control of any person or body of persons, whether incorporated or not, for the production or publication of one or more newspapers or for conducting any news agency or syndicate; and includes newspaper establishments specified as one establishment under the Schedule.

Explanation. – For the purposes of this clause,—

(a) different departments, branches and centres of newspaper establishments shall be treated as parts thereof;

(b) a printing press shall be deemed to be a newspaper establishment if the principal business thereof is to print newspaper;

¹⁴ (a) “appropriate Government” means,—

(ii) in relation to any other industrial dispute, including the State public sector undertaking, subsidiary companies set up by the principal undertaking and autonomous bodies owned or controlled by the State Government, the State Government:

Provided that in case of a dispute between a contractor and the contract labour employed through the contractor in any industrial establishment where such dispute first arose, the appropriate Government shall be the Central Government or the State Government, as the case may be, which has control over such industrial establishment.

¹⁵ and the ID Act” hereinafter



thereafter, noted that, for a substantial part of the period for which the workmen worked living wages, they were working at Delhi. Insofar as the entitlement to wages for the said period was concerned, therefore, the learned Single Judge holds that the Labour Courts at Delhi would be competent to adjudicate the claims, and the Delhi Government would also be competent to refer the dispute. Equally, the learned Single Judge finds the State Government at Jaipur, and the Labour Court at Jaipur, competent to deal with the claim insofar as it relates to the period for which the workman served at Jaipur. The impugned judgment, therefore, finds the Labour Courts at Delhi and Jaipur both to be competent to deal with the claims of the respondent-workmen. Following this, the learned Single Judge has, relying on the judgement of the Supreme Court in *Samarjit Ghosh*, as well as the judgement of the High Court of Patna in *Paritosh Kumar Pal v State of Bihar*¹⁶, which was affirmed by the Supreme Court in *Bikash Bhushan Ghosh v Novartis India Ltd*¹⁷, observed that, where the cause of action arose partly within the jurisdiction of one, and partly within the jurisdiction of another, State Government, both State Governments would be competent to refer the dispute. Applying the cause of action test, therefore, the learned Single Judge holds that the GNCTD was competent to refer the claims of the respondent-workmen to the Labour Court at Delhi. The learned Single Judge also finds this conclusion fortified by Section 17 of the Working Journalists Act, which requires the claim to be filed in the Central office of the Branch office of the newspaper establishment where the workmen were working. She has also relied on *Samarjit Ghosh* to

¹⁶ 1984 Lab IC 1254

¹⁷ (2007) 5 SCC 591



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hold that Rule 36 of the Working Journalists Rules, and Section 17 of the Working Journalists Act, were provisions enacted to facilitate workmen, and had to be accordingly interpreted.

15. The impugned judgment, therefore, holds the reference of the disputes to the Labour Court at Dwarka to be competent and directs the Labour Court to adjudicate on the disputes in accordance with law.

16. Aggrieved by the said decision, the appellant has invoked the Letters Patent jurisdiction of this Court to prefer the present appeal.

Rival Contentions

17. Mr. Baruah relies on para 4 of the judgment in *Samarjit Ghosh*, which reads thus:

“4. The question whether the Government of West Bengal was empowered to make a reference of the dispute between the appellant and the employer company must be determined by the provisions of the Act in their application to the facts of this case. Section 17 of the Act makes provision for the recovery of money due to a newspaper employee from his employer. Sub-section (1) requires that an application by the newspaper employee complaining that an amount due to him has remained unpaid by the employer should be made to the State Government, and provides that if the State Government is satisfied that any amount is so due it is empowered to issue a certificate for that amount to the Collector, and thereupon the Collector must proceed to recover that amount in the same manner as an arrear of land revenue. Which is the State Government to which such application lies is indicated by Rule 36 of the Rules made under the Act. Rule 36 provides that an application under Section 17 of the Act shall be made to the Government of the State where the Central Office or the Branch Office of the newspaper establishment in which the newspaper employee is employed is situated. *It is the location of the Central Office or the Branch Office in which the newspaper employee is*



employed which determines which State Government it will be. The Rule works in favour of the convenience of the newspaper employees.”

(Emphasis supplied)

Mr. Baruah submits that the Delhi office of the appellant cannot be treated as a “branch office” for the purposes of Rule 36 of the Working Journalists Rules. Emphasising the words “workman is employed”, as contained in para 4 of the report in **Samarjit Ghosh**, Mr. Baruah submits that, as the Jaipur office of the appellant was the last office in which the respondent-workmen were employed, prior to the filing their claims under Rule 36, the reference had necessarily to be made by the State Government at Jaipur, and the Labour Courts at Jaipur alone would be competent to deal with it. He has also placed reliance, as already noticed, on the judgment in **Balaji**.

18. Mr. Pani, *per contra*, submits that none of the respondent-workmen were employed at Jaipur, at the time when they filed their respective claims. Some had already resigned, and the others had left Jaipur in 2014, whereafter they were in Delhi. He has further relied on Section 3(1)¹⁸ of the Working Journalists Act, which makes the provisions of the ID Act applicable.

Analysis

19. In our view, the learned Single Judge was correct in her finding that the GNCTD was competent to refer the dispute, and the Labour

¹⁸ 3. Act 14 of 1947 to apply to working journalists. –

(1) The provisions of the Industrial Disputes Act, 1947 (14 of 1947), as in force for the time being, shall, subject to the modification specified in sub-section (2), apply to, or in relation to,



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Courts at Dwarka are competent to adjudicate on the dispute raised by the respondent-workmen.

20. The entire issue appears to be elementary.

21. Rule 36 of the Working Journalists Rules permits the filing of an application under Section 17 of the Working Journalists Act to the government of the State where the Central Office or Branch Office of the newspaper establishment, in which the concerned employee is employed, is situated. The words “is employed” are obviously in the present tense.

22. The concluding sentences in para 4 of *Samarjit Ghosh* also indicate that the application under Section 17 is to be made to the Government of the State in which the office of the newspaper establishment, in which the employee *is employed*, is situated.

23. This obviously caters to a situation in which, at the time of making the application, the employee is in fact employed in a particular office of the newspaper establishment. If she, or he, is so employed, it might be possible to countenance an argument that the application under Section 17 had to be made to the Government of the State in which the office in which the employee was at that time working, was situated.

24. That position, however, does not apply in the present case, for



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the simple reason that, admittedly, none of the respondent-workmen were working in any office of the appellant-establishment at the time when they filed their applications under Rule 36. Some had left the establishment on being transferred to Jaipur, and the others had served at Jaipur and retired.

25. Thus, as none of the respondent-workmen were, at the time of filing of the Section 17 applications, working in any office of the appellant-establishment, the requirement of the application having to be filed before Government of the State in which the office of the establishment, in which the workman was working, was situated, would not apply.

26. Mr. Baruah seeks to meet this position by contending that, if such an interpretation were to be accepted, the sequitur would be that the applications would themselves not be maintainable, as the respondent-workmen were not working, at the time of filing the applications, in any office of the appellant-establishment.

27. We are unable to agree, for three reasons.

28. Firstly, as the Supreme Court, by order dated 19 June 2017, granted liberty to the respondent-workmen to agitate their claims in terms of Section 17 of the Working Journalists Act and further went on, by subsequent order dated 28 January 2019, to direct the concerned Labour Court to adjudicate thereon, it cannot be sought to be contended, now, that they could not agitate their claims at all.



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29. Secondly, it has never been the appellant's case as the applications filed by the respondent-workmen were not maintainable at all, as, at the time when they were filed, the respondent-workmen were no longer in the employ of the appellant-establishment.

30. Thirdly, if Mr Baruah's submission were to be accepted, it would mean that a workman would lose all his right to claim the benefit of the Wage Board recommendations, as was statutorily available to him under Section 17 of the Working Journalists Act, the moment he retired or resigned from service. Besides such an interpretation being manifestly illegal and arbitrary, there is in fact no statutory embargo on a claim for the benefit of the Wage Board recommendations been preferred after an employee retires from service. No such limitation can, therefore, be read into the Working Journalists Act.

31. The sequitur is, in fact, that, though the respondent-workmen, despite not being any more in the service of the appellant-establishment were eligible to refer their claims for the benefit of the Majithia Wage Boards' recommendations, the situs of preferring of the claims could not be decided on the basis of Rule 36.

32. It is important to note, in this regard, that Rule 36 is not an enabling provision, whereby, or whereunder, the employee of the newspaper establishment became entitled to claim the benefit of the Wage Board recommendations. That entitlement flows from Section



17 of the Working Journalists Act. It cannot, therefore, in any case be diluted by Rule 36 of the Working Journalists Rules. Rule 36 only identifies the situs of the State Government which had to be moved by workmen, who preferred the claims at the time when they were in the employment of the newspaper establishment. It does not cater to a situation in which the workman had already left the services of the newspaper-establishment. The right of such a workman to agitate for the benefit of the Wage Board recommendations, nonetheless, continues to exist in view of Section 17 of the Working Journalists Act. The situs of the State Government which had to be moved by such a workman cannot, however, be determined on the basis of Rule 36.

33. The concluding sentences in para 4 of *Samarjit Ghosh* cannot, therefore, aid Mr. Baruah in his efforts, as they deal with a situation in which, at the time of preferring the application under Section 17, the workman concerned is in the employment of the newspaper establishment.

34. How, then, is the situs of the State Government which has to be moved by the concerned workmen, under Section 17 of the Working Journalists Act, to be identified?

35. The learned Single Judge has applied the principle of arising of the cause of action. She holds that, as, for a substantial period for which the respondent-workmen were claiming wages of the benefit of the MWB recommendations, they were employed with the Delhi



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office of the appellant-establishment, the workmen were justified in submitting their claims to the DLC, GNCTD, and that the DLC was also within its right in filing the claims before the Labour Court at Dwarka.

36. Mr. Baruah, however, takes excepted to the invocation, by the learned Single Judge, of the cause of action principle. He submits that there is no justification to be found, in the Working Journalists Act, for the situs of the State Government before which the claims of the workmen had to be filed, being determined by applying the principle of arising of cause of action.

37. We, frankly, do not see why.

38. The right to approach a legal forum within whose territorial jurisdiction the whole, or apart, of the cause of action arises, is elemental to the right to avail legal remedies. The cause of action, classically, encompasses the entire mass of facts which the petitioner before the Court would have to prove to succeed in his petition, and the most appropriate, and apposite, forum, before which this exercise can meaningfully be undertaken, would be the Court having territorial dominion over the said facts. Save and except where there is a statutory interdiction in approaching such a forum, or the statute specifically prescribes the forum which is to be approached, and which is not the forum within whose territorial jurisdiction the whole or part of the cause of action has arisen, the right to approach the forum, or the Court, within whose jurisdiction the cause of action



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arises in whole or in part, is fundamental. It cannot be compromised. It does not need to be statutorily elucidated and, in the absence, as already noted, of any statutory interdict in that regard to the contrary, is always available.

39. *Balaji*, on which Mr. Baruah relies, in fact underscores this legal position. In ***Balaji***, the respondent Balaji instituted an industrial dispute by filing a claim petition under Section 2A of the ID Act, challenging the termination of his services for having continued on leave beyond the sanctioned period. The claim was filed before the Labour Court in Delhi. The Labour Court held that, as the appellant was posted at Chennai at the time of his proceeding on leave, which continued beyond the sanctioned period, and constituted the basis of his termination, it did not possess the territorial jurisdiction to adjudicate on the claim. Balaji challenged the decision of the Labour Court by way of writ petition, instituted before this Court, which was dismissed by a learned single Judge, against whose decision Balaji appeal to the Division Bench, which decided the appeal by the judgment under discussion. Para 15 to 22 of the report, from the judgment of the Division Bench, read thus:

“15. Once the appellant had joined his place of posting at Chennai and his services were terminated from Chennai and an order of his termination was issued from Chennai, it is clear that the cause of action arose within the jurisdiction of Chennai. Merely because appellant was posted in Delhi prior to his posting at Chennai would not confer jurisdiction on the Delhi Courts, when the cause of action qua the present proceedings did not arise in Delhi.



16. Elucidating what constitutes a cause of action with respect to territorial jurisdiction, Supreme Court in the case of ***Om Prakash Srivastava v Union of India***¹⁹, has held as follows:—

“7. The question whether or not cause of action wholly or in part for filing a writ petition has arisen within the territorial limits of any High Court has to be decided in the light of the nature and character of the proceedings under Article 226 of the Constitution. In order to maintain a writ petition, a writ petitioner has to establish that a legal right claimed by him has *prima facie* either been infringed or is threatened to be infringed by the respondent within the territorial limits of the Court's jurisdiction and such infringement may take place by causing him actual injury or threat thereof.

.....

11. It is settled law that “cause of action” consists of a bundle of facts, which give cause to enforce the legal inquiry for redress in a court of law. In other words, it is a bundle of facts, which taken with the law applicable to them, gives the plaintiff a right to claim relief against the defendant. It must include some act done by the defendant since in the absence of such an act no cause of action would possibly accrue or would arise. [See ***South East Asia Shipping Co. Ltd. v Nav Bharat Enterprises (P) Ltd.***²⁰

.....

15. In Halsbury's Laws of England (4th Edn.) it has been stated as follows:

“‘Cause of action’ has been defined as meaning simply a factual situation, the existence of which entitles one person to obtain from the court a remedy against another person. The phrase has been held from earliest time to include every fact which is material to be proved to entitle the plaintiff to succeed, and every fact which a defendant would have a right to traverse. ‘Cause of action’ has also been taken to mean that a particular act on the part of the defendant which gives the plaintiff his cause of complaint, or the subject-matter of grievance founding the action, not merely the technical cause of action.””

¹⁹ (2006) 6 SCC 207

²⁰ (1996) 3 SCC 443



17. When the appellant was transferred to Chennai and had also joined there, then the situs of his employment shifted from Delhi to Chennai. Though the ID Act does not make any reference to the aspect of territorial jurisdiction, however, situs of the place of employment of a workman would be a determinative factor in conferring territorial jurisdiction upon a Labour Court for deciding a labour dispute raised by a workman. It has been held by Courts time and again in a catena of judgments that the situs of employment of the workman is a significant factor to decide territorial jurisdiction.

18. Supreme Court in the case of **V.G. Jagdishan v Indofos Industries Ltd.**²¹, has categorically held that considering the facts of the said case that the workman therein was employed at Ghaziabad, was working at Ghaziabad and his services were terminated at Ghaziabad, only the Ghaziabad Court would have territorial jurisdiction in the said case. Thus, Supreme Court held as follows:—

“10. From the findings recorded by the Labour Court, Delhi and the learned Single Judge and the Division Bench of the High Court, it is not much in dispute that the workman was employed as a driver at Ghaziabad office. He was working at Ghaziabad. His services were retrenched at Ghaziabad. All throughout during the employment, the workman stayed and worked at Ghaziabad. Only after the retrenchment/termination the workman shifted to Delhi from where he served a demand notice at Head Office of the Management situated at Delhi. Merely because the workman after termination/retrenchment shifted to Delhi and sent a demand notice from Delhi and the Head Office of the Management was at Delhi, it cannot be said that a part cause of action has arisen at Delhi. Considering the facts that the workman was employed at Ghaziabad; was working at Ghaziabad and his services were terminated at Ghaziabad, the facts being undisputed, only the Ghaziabad Court would have territorial jurisdiction to decide the case.”

19. Similarly, Supreme Court in the case of **Eastern Coalfields Ltd. v Kalyan Banerjee**²², has held that merely because the head office of the company was situated within the State of West Bengal, the same by itself will not confer any jurisdiction upon the Calcutta High Court. It was held that the workman in the said case was serving in a place under the jurisdiction of the State of

²¹ (2022) 6 SCC 167

²² (2008) 3 SCC 456



Jharkhand and his services were also terminated therein. Thus, it was held that only the State of Jharkhand had territorial jurisdiction in the said case, as follows:—

“13. *In view of the decision of the Division Bench of the Calcutta High Court that the entire cause of action arose in Mugma area within the State of Jharkhand, we are of the opinion that only because the head office of the appellant Company was situated in the State of West Bengal, the same by itself will not confer any jurisdiction upon the Calcutta High Court, particularly when the head office had nothing to do with the order of punishment passed against the respondent.*”

20. Place of previous posting of the appellant would not confer territorial jurisdiction upon the Delhi Courts. Once the appellant was transferred to Chennai and he joined at the place of his posting in Chennai, the Delhi Courts lost their territorial jurisdiction. It is also to be noted that appellant filed a claim petition under Section 2A of the ID Act challenging his termination order only. Even otherwise, transfer order could not have been challenged by the appellant in a petition under Section 2A of ID Act. Appellant was employed not in Delhi, but in Chennai at the time of his termination. The termination order was issued in Chennai. Therefore, it cannot be said by any extent of imagination that the cause of action arose in Delhi.

21. Distinguishing the judgment in the case of ***Workmen of Sri. Ranga Vilas Motors (P) Ltd. v Sri. Rangavilas Motors (P) Ltd.***²³, as relied upon by appellant herein and holding that no cause of action had arisen in Delhi, learned Single Judge held as follows:

“22. *According to the Supreme Court, the principles for determining the jurisdiction are; (i) Where does the order of the termination of services operate; (ii) Is there some nexus between the industrial dispute arising from termination of the services of the workman and the territory of the State; and (iii) That the well-known test of jurisdiction of a civil Court including the residence of the parties and the subject matter of the dispute substantially arising therein would be applicable.*

23. *In the said case, the Supreme Court held that the situs of employment of the workman would be a relevant fact for determining the jurisdiction of the Labour Court*



concerned. In the said case, the termination orders were served at Calcutta were not only the subject matter of the dispute but the transfer orders as well because the termination was effected for not obeying the transfer order. The Supreme Court held, if the transfer orders are set aside, then the appellant would be deemed to be posted at Calcutta. Hence, there is a direct nexus of dispute with the order of termination of their services at Calcutta. It was held that the State of West Bengal was the appropriate Government. Suffice to state, the said judgment is distinguishable on facts, inasmuch as the transfer order is not under challenge in the present case. Rather, the petitioner had joined the place of posting at Chennai and it is for unauthorised absence at Chennai, the petitioner's services were terminated. In the absence of any challenge to the transfer order, there is no cause of action which has arisen in Delhi for the petitioner to maintain the claim petition under Section 2A of the ID Act."

22. The detailed discussion as aforesaid brings forth that the appellant was employed in Chennai when his services were terminated. The termination order was also issued in Chennai. Thus, the cause of action for challenging the termination order arose entirely in Chennai. Merely because respondents have a full-fledged office in Delhi or that appellant was posted in Delhi immediately before his transfer to Chennai, would not confer territorial jurisdiction on the Delhi Courts. The judgments as relied upon by appellant do not come to his aid, as the said matters involve cases where cause of action had arisen within the territorial jurisdiction of the place in question. However, that is not the position in the present matter as no cause of action has arisen within the territorial jurisdiction of Delhi, in terms of the discussion herein above. Consequently, it is held that Delhi Courts have no territorial jurisdiction in the present case."

(Italics in original; Underscoring supplied)

Thus, the Division Bench, in **Balaji**, proceeded to decide the issue of jurisdiction on the basis of the place where the cause of action for Balaji to institute his claim, in whole or in part, arose. On the premise that no part of the cause of action had arisen in Delhi, the Division Bench held that Balaji could not have approached the Labour Court in Delhi. While the dispute in **Balaji** is clearly distinguishable from that



which arises in the present case on facts, as Balaji's cause of action was on the basis of an individual order of termination, which was issued at a time when he was posted at Chennai, what is of greater significance is that the Division Bench, applying the principle that the Court which could appropriately be approached was the court having territorial jurisdiction over the arising, in whole or in part, of the cause of action which triggered the litigation.

40. Thus, Mr. Baruah's contention that the learned Single Judge could not have applied the principle that the Labour Court, within whose whose territorial jurisdiction the cause of action for the respondent-workmen arose in whole or in part, could have been approached by them, cannot sustain. In fact, another Division Bench of this Court has, in *Dharambir Singh v Hindustan Unilever Ltd*²⁴, again applied the principle that an industrial dispute could be instituted by an aggrieved workmen before the Court which exercises territorial jurisdiction over the cause of action, in whole or in part. In *Braham Prakash*, again, this Court held that, as the grievance of the appellant was against his termination, which took place at a time when he was employed at Rajasthan, the cause of action for approaching the Court arose in Rajasthan and that, therefore, Courts of Delhi could not adjudicate on the dispute.

41. Mr. Baruah does not dispute the factual position that a substantial part of the cause of action, constituting the grievance of the respondents-workmen before the Labour Court, arose in Delhi, as ,



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during a substantial part of the period for which they claimed the benefit of the Majithia Wage Board recommendations, they were posted at Delhi.

42. The learned Single Judge was, therefore, in our opinion, correct in her opinion that the claims were filed by the respondent-Workmen before the DLC, GNCTD, and that the DLC was equally justified in referring the dispute for adjudication to the Dwarka Labour Court.

43. In view of the aforesaid factual and legal position, we find no merit in this appeal.

44. The appeal is accordingly dismissed and the judgment of the learned Single Judge is upheld in its entirety, with no orders as to costs.

C. HARI SHANKAR, J.

ANOOP KUMAR MENDIRATTA, J.

DECEMBER 23, 2024/aky

Click here to check corrigendum, if any