



W.A.(MD) No.1103 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD) No.1103 of 2021

R.Veeraswamy

... Appellant

-VS-

- 1.The Sub Committee of Board of
Airports Authority of India
(Appellate Authority)
Rajiv Gandhi Bhawan
Safdarjung Airport
New Delhi-110 003
- 2.Executive Director (HR)
Airports Authority of India
Rajiv Gandhi Bhawan
Safdarjung Airport
New Delhi-110 003
- 3.The Airports Authority of India
rep.by its Chairman
Rajiv Gandhi Bhawan
Safdarjung Airport
New Delhi-110 003



W.A.(MD) No.1103 of 2021

WEB COPY

4.The Manager (HR)
Airport Authority of India
Rajiv Gandhi Bhawan
Safdarjung Airport
New Delhi-110 003

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 15.04.2021, passed in W.P.(MD) No.2238 of 2013, on the file of this Court.

For Appellant : Mr.M.Saravanan

For Respondents : Mr.C.Godwin

J U D G M E N T

[Judgment of the Court was made by S.M.SUBRAMANIAM, J.]

The writ order dated 15.04.2021, passed in W.P.(MD) No.2238 of 2013, is under challenge in the present writ appeal.

2. The writ petitioner is the appellant before this Court.

3. The appellant served in the Airport Authority of India since 1993 and retired from service on 31.03.2012 as General Manager (Finance).



W.A.(MD) No.1103 of 2021

WEB COPY

Even before retirement, the appellant had settled at Madurai. Therefore, he filed the writ petition in W.P.(MD) No.2238 of 2013 before the Madurai Bench of Madras High Court, challenging the order dated 19.12.2012, passed by the Executive Director (HR), Airports Authority of India, New Delhi.

4. The learned Single Judge, by the impugned order dated 15.04.2021, dismissed the writ petition mainly on the ground that the cause of action arose at New Delhi and the appellant was working in the Airport Authority of India at various places and not worked in Madurai. Therefore, mere residential address of the appellant would not sufficient to entertain the writ petition and accordingly, dismissed the writ petition on the ground of lack of territorial jurisdiction.

5. Learned counsel for the appellant would submit that on the date of retirement, the appellant was residing at Madurai along with his family. The appellant served all over India at various places with the Airport Authority of India and the dispute raised by him in the writ petition is relating to the departmental disciplinary proceedings. In this context, learned counsel for the appellant placed reliance on the decision of the Honourable Supreme



W.A.(MD) No.1103 of 2021

WEB COPY

Court of India in the case of **Shanti Devi vs. Union of India**, reported in **(2020) 10 SCC 766**. The relevant portion is extracted hereunder:

“28. Form 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.



WEB COPY

W.A.(MD) No.1103 of 2021

...

...

32....A retired employee, who is receiving pension, cannot be asked to go to another court to file the writ petition, when he has a cause of action for filing a writ petition in Patna High Court. For a retired employee convenience is to prosecute his case at the place where he belonged to and was getting pension. The submission of the learned counsel for the respondent Nos.1 to 3 on principle of forum non conveniens has no substance. ”

6. This Court is of the considered view that the respondents are at New Delhi. However, the appellant is a pensioner and residing at Madurai. In the event of dismissing the writ petition on the ground of lack of territorial jurisdiction, the appellant has to all along file a case before the Court at New Delhi, which would result in grave hardship to him. Thus, applying the principles laid down by the Apex Court in the decision cited supra, the writ order dated 15.04.2021, passed in W.P.(MD) No.2238 of 2013 is set aside and the writ petition in W.P.(MD) No.2238 of 2013 is remanded back to the Writ Court for adjudication of the issues on merits and in accordance with law.



WEB COPY



W.A.(MD) No.1103 of 2021

7. Accordingly, this writ appeal is allowed. No costs.

[S.M.S., J.]

[A.D.M.C., J.]

18.06.2025

(2/2)

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

krk



WEB COPY



W.A.(MD) No.1103 of 2021

S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

krk

W.A.(MD) No.1103 of 2021

18.06.2025

(2/2)