



\$~14

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8533/2018**

**PRATAP SINGH MAL**

.....Petitioner

Through: Mr. A.K Trivedi and Mr. Dhruv  
Kothari, Advocates

versus

**UNION OF INDIA AND ORS.**

.....Respondents

Through: Mr. Subhash Tanwar (CGSC) with  
Mr. Naveen, Mr. Sandeep Mishra and  
Mr. Harshit Deshwal, Advocates

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**HON'BLE MR. JUSTICE VIMAL KUMAR YADAV**

**ORDER**

% **22.08.2025**

1. The Petitioner has approached this Court challenging the rejection of medical reimbursement given by the Competent Authority i.e. General Manager or Chief Medical Director.
2. The facts of the case reveal that the Petitioner was serving in the Railway Protection Force under Indian Railways in the rank of Assistant Sub Inspector.
3. The Petitioner being a Member of Railway Protection Force was also entitled to the Retired Employees Health Scheme which is meant for the retired Railway employee.
4. The Petitioner was residing at Jaipur with his wife and son. On 10.09.2012, the wife of the Petitioner seriously fell ill and was taken to a



nearby hospital i.e., Apex Hospital, Jaipur for treatment. The wife of the Petitioner was admitted in the hospital in an emergency condition.

5. It is the case of the Petitioner that he immediately intimated the Medical Directorate, Central Hospital, Jaipur about the admission of his wife in the hospital, and the Medical Directorate acknowledged the information given by the Petitioner and advised him to take treatment in a private hospital.

6. A medical reimbursement claim of Rs.2,39,670/- was given to the Medical Superintendent, North Western Railway, Jaipur in December, 2012 by the Petitioner which was then rejected vide Order dated 27.02.2015. The observation for rejection of the said claim reads as under:-

*“3. The re-opening of RELHS-97 scheme has been approved by Railway Board with the same conditions as stipulated in Board’s letter of even number dated 10.1.2007 viz. there will a “lock-in period” of six months from the date on which a retired employee joins the scheme i.e. the date of depositing the fees. During this period, the retired employee will be entitled for medical treatment as available in Railway hospitals and other Govt. hospitals including Govt. owned autonomous hospitals and Govt. Medical College Hospitals only. They shall be referred to private hospitals, which are recognized for Railway employees and other RELHS card holders. In any circumstances and in any medical condition, during the “lock-in period”, reimbursement of medical claims for treatment taken in private hospital including the private recognized hospitals will not be permitted.*

*3.1. All other terms and conditions of the RELHS-97 mentioned in Board’s letter under reference will remain unaltered. RELHS (Medical identity) card will be issued by the Personnel Branch of*



*concerned Railways. The RELHS Card issued to beneficiaries with lock-in period should clearly indicate the designation, amount and date of deposit, name and designation of issuing authority/signatory along with date.*

*3.2. Lock in period to be clearly and prominently mentioned on the card.*

*3.3. The retired/medically invalidated employees who are willing to join this scheme must give a clear declaration along with application that he/she is joining the scheme with full knowledge about the “lock-in” period. He/She should also give clear declaration that during the “lock-in” period, he she will not submit any reimbursement claim for treatment taken in private or private Railway recognized hospitals and would not challenge the orders of Railway Board to this effect in any court of law.”*

7. It is also stated by the Petitioner that the said rejection was given to him without waiting for the advice/reply from the Financial Advisor and Chief Accounts Officer (FA&CAO). He further states that pursuant to the rejection on 07.04.2015, FA&CAO sent back the medical reimbursement claim to the Medical Department for further action.

8. The Petitioner, thereafter, approached Central Administrative Tribunal, Principal Bench, New Delhi, by filing OA No. 802/2016, which was rejected on the ground of want of jurisdiction.

9. The Petitioner, thereafter, approached this Court by filing W.P.(C) 8533/2018 before this Court. It is pertinent to mention that the Head Office of the North Western Railways is Jaipur. The Petitioner was residing at Jaipur. The wife of the Petitioner was admitted in an emergency condition to



a hospital in Jaipur and is claiming reimbursement for treatment at Jaipur.

10. The cause of action for want of territorial jurisdiction depends on a bundle of facts. The Apex Court in ONGC v. Utpal Kumar Basu, 1994 (4) SCC 711, has observed as under:-

*"5. Clause (1) of Article 226 begins with a non obstante clause — notwithstanding anything in Article 32 — and provides that every High Court shall have power “throughout the territories in relation to which it exercises jurisdiction”, to issue to any person or authority, including in appropriate cases, any Government, “within those territories” directions, orders or writs, for the enforcement of any of the rights conferred by Part III or for any other purpose. Under clause (2) of Article 226 the High Court may exercise its power conferred by clause (1) if the cause of action, wholly or in part, had arisen within the territory over which it exercises jurisdiction, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories. On a plain reading of the aforesaid two clauses of Article 226 of the Constitution it becomes clear that a High Court can exercise the power to issue directions, orders or writs for the enforcement of any of the fundamental rights conferred by Part III of the Constitution or for any other purpose if the cause of action, wholly or in part, had arisen within the territories in relation to which it exercises jurisdiction, notwithstanding that the seat of the Government or authority or the residence of the person against whom the direction, order or writ is issued is not within the said territories. In order to confer jurisdiction on the High Court of Calcutta, NICCO must show that at least a part of the cause of action had arisen within the territorial jurisdiction of that Court. That is at best its case in the writ petition.*



6. It is well settled that the expression “cause of action” means that bundle of facts which the petitioner must prove, if traversed, to entitle him to a judgment in his favour by the Court. In *Chand Kour v. Partab Singh* [ILR (1889) 16 Cal 98, 102 : 15 IA 156] Lord Watson said:

*“... the cause of action has no relation whatever to the defence which may be set up by the defendant, nor does it depend upon the character of the relief prayed for by the plaintiff. It refers entirely to the ground set forth in the plaint as the cause of action, or, in other words, to the media upon which the plaintiff asks the Court to arrive at a conclusion in his favour.”*

*Therefore, in determining the objection of lack of territorial jurisdiction the court must take all the facts pleaded in support of the cause of action into consideration albeit without embarking upon an enquiry as to the correctness or otherwise of the said facts. In other words the question whether a High Court has territorial jurisdiction to entertain a writ petition must be answered on the basis of the averments made in the petition, the truth or otherwise whereof being immaterial. To put it differently, the question of territorial jurisdiction must be decided on the facts pleaded in the petition. Therefore, the question whether in the instant case the Calcutta High Court had jurisdiction to entertain and decide the writ petition in question even on the facts alleged must depend upon whether the averments made in paragraphs 5, 7, 18, 22, 26 and 43 are sufficient in law to establish that a part of the cause of action had arisen within the jurisdiction of the Calcutta High Court.”*

11. In the opinion of this Court, no cause of action much less any part of



action has arisen within the territorial jurisdiction of this Court. Just because the Secretary of Railway Board happens to be in Delhi, that alone will not lead to a part of the cause of action of this Court.

12. As stated earlier, since the Headquarters of North Western Railways is in Jaipur, the Petitioner could not have approached this Court for redressal of his grievance. This Court is aware of the facts that the W.P.(C) 8533/2018 was filed in the year 2018 and that no objection regarding territorial jurisdiction has been taken in the Counter Affidavit. But, this Court is not inclined to entertain the Writ Petition for the reason that the ingredients of Article 226 (1) & 226 (2) are not satisfied.

13. The Petitioner was staying in Jaipur. The hospital to which the Petitioner was admitted in emergency basis is in Jaipur. The case of the Petitioner has been considered entirely in Jaipur and, therefore, no cause of action, wholly or in part, has arisen within the territorial jurisdiction of this High Court.

14. Writ Petition is disposed of for want of territorial jurisdiction.

15. It is open for the Petitioner to move to the Court of Competent Jurisdiction for redressal of his grievance.

16. Since, this case has been disposed of only on the ground of territorial jurisdiction, this Court is not making any observation on the merits of the case.

17. It is also made clear that if and when the Petitioner decides to approach the Court of Competent Jurisdiction, the benefit of Article 14 of the Limitations Act, that is the time taken from the date of filing the Writ Petition till its disposal would be taken into account while calculating the period of limitation.



18. The present Writ Petition stands disposed of along with pending application(s), if any.

**SUBRAMONIUM PRASAD, J**

**VIMAL KUMAR YADAV, J**

**AUGUST 22, 2025**  
*Prateek*