



2025:DHC:5696-DB



\$~116

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

Date of decision: 14.07.2025

+ LPA 378/2023, CM APPL. 20530/2023

SMT RAJENDER PAHWA

.....Appellant

Through: Mr. Karanjot Singh Mainee,
Ms. Shreya Gupta, Ms. Manya
Kaushik, Advs.

versus

UNION OF INDIA THROUGH THE SECRETARY TO
GOVERNMENT OF INDIA & ORS.Respondents

Through: Mr. Ruchir Mishra, Mr.
Mukesh Kumar Tiwari, Ms.
Reba Jena Mishra, Advs.
Mr. K.K. Tyagi, Mr. Iftexhar
Ahmad, Ms. Garima Tyagi,
Advs. for R-4.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

1. This appeal has been filed challenging the Impugned Order dated 29.11.2022 passed by the learned Single Judge of this Court in W.P(C) 8062/2002 titled ***Rajender Pahwa v. UOI and Ors.***, disposing of the said writ petition by holding that this Court lacks territorial jurisdiction to entertain the same, while reserving liberty of the appellant to seek appropriate relief before the competent High Court, which in the opinion of the learned Single Judge was the High Court at Allahabad.

2. At the outset, the learned counsel for the appellant submits that the above writ petition has been pending adjudication before this



2025:DHC:5696-DB



Court since 2002, that is for a period of almost 20 years prior to the passing of the Impugned Judgment. He submits that prior to the passing of the Impugned Judgement, no objection on the lack of territorial jurisdiction was raised by the respondents.

3. He further submits that the learned Single Judge further failed to appreciate that though the Industrial Award impugned before the learned Single Judge has been passed by the Central Government Industrial Tribunal cum Labour Court, Lucknow, (hereinafter referred to as 'CGIT'), the entire proceedings had taken place at Delhi. The transfer of the referral was only because of administrative reasons and non-availability of the CGIT, Delhi. He submits that, therefore, a part cause of action had accrued in Delhi. In support, he places reliance on Judgments in of the Supreme Court in ***Lt. Col. Khajoor Singh v. Union of India & Another***, (1960) SSC OnLine SC 12, ***Kusum Ingots & Alloys Ltd. v. Union of India & Another***, (2004) 6 SCC 254, and ***Nawal Kishore Sharma v. Union of India & Ors.***, (2014) 9 SCC 329.

4. On the other hand, the learned counsel for the respondent No. 4 submits that the impugned Industrial Award having been passed by CGIT, Lucknow, the writ petition filed by the appellant had rightly been dismissed by the learned Single Judge of this Court. In support, he places reliance on the Judgment of the Supreme Court in ***Kiran Singh & Ors. v. Chaman Paswan & Ors.***, (1954) 1 SCC 710, to submit that a defect in jurisdiction strikes at the very authority of the Court to pass an Order and cannot be cured by the consent of the



2025:DHC:5696-DB



parties.

5. We have considered the submissions made by the learned counsels for the parties.

6. In the present case, the dispute between the parties was referred by the Central Government for adjudication to the CGIT, New Delhi, *vide* Reference Order dated 29.07.1988. For administrative reasons and the non-availability of the CGIT at New Delhi, it was transferred to CGIT, Lucknow *vide* an Order dated 19.04.2002, however, it was directed that the proceedings shall be held at Delhi. The said transfer of the reference, therefore, in our opinion would not deprive this Court of the territorial jurisdiction to entertain the writ petition.

7. Even otherwise, as noted hereinabove, the writ petition had remained pending adjudication before the learned Single for a period of 20 years or more. Dismissal of a writ petition on ground of lack of territorial jurisdiction after such a long period, specially where jurisdiction under Article 226 of the Constitution of India has been invoked in matters involving Labour/Service dispute and where a part of cause of action has arisen within jurisdiction of the Court, is not warranted. Reference in this regard may be had to ***Dinesh Chandra Gahtori v. Chief of Army Staff and Or.***, (2001) 9 SCC 525.

8. Accordingly, we set aside the Impugned Judgment dated 29.11.2022 passed by the learned Single Judge. The writ petition is restored back to its original number.

9. The parties shall appear before the learned Single Judge on 6th August, 2025.



2025:DHC:5696-DB



10. Taking into account that the writ petition has been pending adjudication since the year 2002, the learned Single Judge is requested to expedite the adjudication thereof.
11. The appeal is disposed of, in the above terms.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 14, 2025
bsn/pallavi/kj/ik