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

+ **LPA 134/2026 & CM APPL. 16171/2026**

SUBODH CHANDRA SAHA

.....Appellant

Through: Mr. N. C. Gupta, Mr. R. Vasudevan,
Mr. S. Bhardwaj, Advs.

versus

PUNJAB NATIONAL BANK AND ANR

.....Respondents

Through: Ms. Kittu Bajaj, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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17.03.2026

CM APPL. 16171/2026 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

LPA 134/2026

3. Issue notice.
4. On whose behalf, Ms. Kittu Bajaj, learned counsel for the respondents has put in appearance and accepts notice.
5. With the consent of the learned counsel for the parties, the appeal has been taken up for decision at the admission stage.
6. This intra-court appeal seeks to challenge an order dated 27.01.2026 passed by the learned Single Judge in W.P.(C) 18261/2025, which was instituted by the appellant for quashing the order dated 25.09.2025 with a



further prayer to direct the respondents to sanction the compassionate allowance in his favour in terms of Regulation No.31 of 'Punjab National Bank Employees' Pension Regulation, 1995 (hereinafter referred to as 'Pension Regulation') with effect from the date of cessation of service i.e. 05.09.2013 along with interest.

7. The appellant while working as Manager at Tinsukia Branch of the respondent/Bank was inflicted with the penalty of the removal of the service, which was challenged by him by filing departmental appeal, where he did not succeed. The appellant, thereafter filed a writ petition before Gauhati High Court challenging the order of removal, which was dismissed and the learned Single Judge of Gauhati High Court upheld the penalty of removal of service. The appellant, thereafter filed an intra-court appeal before a Division Bench of Gauhati High Court being Writ Appeal No. 313/2019. In the said intra-court appeal, the appellant confined his prayer to payment of retiral benefits. The Division Bench of Gauhati High Court remanded the matter back to the learned Single Judge for consideration of the limited issue.

8. On remand, the learned Single Judge of Gauhati High Court by a judgment dated 16.07.2025 concluded that the appellant is not entitled to any pension and pensionary benefits. However, the learned Single Judge permitted the appellant to submit an application before the Competent Authority of the respondent/Bank claiming the compassionate allowance under the provisions of regulation No.31 of the Pension Regulation. The learned Single Judge of Gauhati High Court further observed that in case, any such application is filed by the appellant, the Competent Authority of the respondent/Bank shall consider the same on merits and in accordance



with the provisions contained in regulation No.31 of the Pension Regulation.

9. In compliance of the said judgment passed by the learned Single Judge on 16.07.2025 of Gauhati High Court, the appellant submitted his application, which was decided by the Competent Authority of the respondent/Bank by passing a speaking order dated 25.09.2025, whereby prayer for grant of compassionate allowance had been declined. The said order dated 25.09.2025 had been passed by the General Manager, Headquarter of the respondent/Bank at Delhi. The appellant filed W.P.(C) 18261/2025 before this Court challenging the said order dated 25.09.2025 passed by the General Manger, Headquarter of the respondent/Bank at New Delhi, where his prayer for grant of compassionate allowance was not acceded.

10. The learned Single Judge while dismissing the writ petition by means of an order dated 27.01.2026 has recorded a finding that appellant ought to have assailed the order dated 25.09.2025 before Gauhati High Court, instead he approached this Court.

11. It has further been observed by the learned Single Judge in the impugned order, the order dated 25.09.2025 has been passed in compliance of the order dated 16.07.2025 passed by the learned Single Judge of Gauhati High Court and therefore, the appellant ought to have challenged the said order, if he was aggrieved, by instituting appropriate proceedings before the Gauhati High Court.

12. It is also observed by the learned Single Judge with respect to the submission on behalf of the appellant to the effect that the cause of action for challenging the order dated 25.09.2025 has accrued within the territorial jurisdiction of this Court that since the order dated 25.09.2025 has been



passed in compliance of the judgment of the learned Single Judge of Gauhati High Court dated 16.07.2025, as such it cannot be said that any cause of action is accrued to the appellant within the territorial jurisdiction of this Court at New Delhi. The learned Single Judge further observed in the impugned order that the appellant cannot be permitted to engage in 'forum shopping' by selectively invoking the jurisdiction of different High Courts in respect of the same subject matter. Impugned order, thus, declined to entertain the writ petition.

13. Having considered the respective submissions made by the learned counsel for the parties, we are of the opinion that though it is true that the order dated 25.09.2025 was passed in compliance of the order dated 16.07.2025 passed by the learned Single Judge of Gauhati High Court, however, since the authority passing the order dated 25.09.2025 is in New Delhi, as such at least part of cause of action can be said to have accrued to the appellant for challenging the said order dated 25.09.2025 within the territorial jurisdiction of this Court.

14. The Competent Authority, admittedly, to take a decision on any prayer for compassionate allowance is the General Manger, Headquarter of the respondent/Bank at New Delhi, which in the instant case as well has passed the order dated 25.09.2025, whereby the prayer of the appellant for payment of the said compassionate allowance has been rejected. In our considered opinion, since the order impugned before the learned Single Judge in the proceedings of the writ petition dated 25.09.2025 was passed by the Competent Authority at New Delhi, as such by any state of imagination, it cannot said that the cause of action had not accrued to the appellant to challenge the said order before this Court.



15. We are, thus, unable to agree with the reasoning given by the learned Single Judge in the impugned order dated 27.01.2026.

16. The appeal, accordingly, is allowed. The order dated 27.01.2026 passed by learned Single Judge in W.P.(C) 18261/2025 is hereby set aside and the writ petition is restored to its original number on its own merits.

17. Having regard to the facts that the appellant has not been in service of the respondent/Bank since 2013, we request the learned Single Judge to expedite the proceedings in the writ petition.

18. There will be no order as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

MARCH 17, 2026/j