



2026:DHC:671



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

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Date of Decision: 12.01.2026

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W.P.(C) 14244/2022

RAVINDER KUMAR

.....Petitioner

Through: Mr. Fidel Sebastian, Advocate

versus

DEPUTY LABOUR COMMISSIONER (SOUTH) AND ORS.

.....Respondents

Through: Mr. Raghvendra Upadhyay, Advocate
for Respondent No. 1/GNCTD**CORAM:****HON'BLE MR. JUSTICE MANOJ KUMAR OHRI****JUDGMENT (ORAL)**

1. The issue that arises in the present case is whether the learned Labour Commissioner was correct in not entertaining the reference filed by the appellant/workman, citing a lack of territorial jurisdiction. The impugned action was taken in the context of an application filed by the workman on 05.03.2018 under Section 29 of the Industrial Disputes Act, 1947 ("ID Act"), seeking to challenge the order transferring him from the *Delhi* branch of the Management to the *Patna* branch, *vide* letter dated 28.02.2018 issued by respondent no. 6.
2. The workman claimed that he had been a permanent employee of the



Management since 26.12.2002 as a Senior Operator, designated as a Technical Supervisor. He claimed that his work is manual and technical in nature. On an earlier occasion, the workman was transferred from *NOIDA, U.P.* to *Jalandhar*. It appears that along with the appellant, other workmen were also transferred, leading to all employees going on a strike on 11.07.2016. At that time, the dispute was referred to the Deputy Labour Commissioner, *NOIDA, U.P.*, where the workmen and the Management entered into a settlement agreement on 20.07.2016. It was agreed between the parties that any further order of transfer would be changed as per the convenience of the workmen. Apparently, after the aforesaid settlement, the reference before the Labour Commissioner, *NOIDA*, was withdrawn, and the workman was thereafter posted in *Delhi*. During his posting in *Delhi*, the impugned order transferring him to *Patna* was passed on 28.02.2018, which led to the filing of the concerned reference before the Deputy Labour Commissioner and the consequent dismissal of the said reference, which has been impugned in the present proceedings.

3. The rationale given by the learned Deputy Commissioner, Labour Court, for not entertaining the reference was that the earlier settlement arrived at between the parties was before the Deputy Commissioner, Labour Court, *NOIDA*, and that the subject action would be a breach of that settlement. On the industrial dispute being raised, the learned Joint Labour Commissioner referred the same to the Labour Court for adjudication with the following terms of reference:

“Whether transfer of Sh. Ravinder Kumar, age-41 years (Mobile No.-8178124055) by management from Saket, New Delhi to Patna vide order dated 28/02/2018 is illegal and/or unjustified; and if so, to what relief is he entitled and what directions are necessary in this respect?”



4. Though respondent claims that the cause of action is the breach of settlement agreement that was arrived at in *NOIDA*, it is to be kept in mind that the impugned order of transfer was served on the petitioner while he was posted in *Delhi*. The petitioner statedly has not acted upon the said order and has not joined his duties at *Patna*. Indeed, part of the cause of action has arisen in *Delhi* as well. The expression “cause of action” was explained by the Supreme Court in *Om Prakash Srivastava Vs. Union of India*¹ in the following words:-

“12. The expression ‘cause of action’ has acquired a judicially settled meaning. In the restricted sense ‘cause of action’ means the circumstances forming the infraction of the right or the immediate occasion for the reaction. In the wider sense, it means the necessary conditions for the maintenance of the suit, including not only the infraction of the right, but also the infraction coupled with the right itself. Compendiously, as noted above, the expression means every fact, which it would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the court. Every fact, which is necessary to be proved, as distinguished from every piece of evidence, which is necessary to prove each fact, comprises in ‘cause of action’. (See *Rajasthan High Court Advocates’ Assn. v. Union of India* [(2001) 2 SCC 294] .)

13. The expression ‘cause of action’ has sometimes been employed to convey the restricted idea of facts or circumstances which constitute either the infringement or the basis of a right and no more. In a wider and more comprehensive sense, it has been used to denote the whole bundle of material facts, which a plaintiff must prove in order to succeed. These are all those essential facts without the proof of which the plaintiff must fail in his suit. (See *Gurdit Singh v. Munsha Singh* [(1977) 1 SCC 791] .)

14. The expression ‘cause of action’ is generally understood to mean a situation or state of facts that entitles a party to maintain an action in a court or a tribunal; a group of operative facts giving rise to one or more bases of suing; a factual situation that entitles one person to obtain a remedy in court from another person (see *Black’s Law Dictionary*). In *Stroud’s Judicial Dictionary* a ‘cause of action’ is stated to be the entire set of facts that gives rise to an enforceable claim; the phrase comprises

¹ (2006) 6 SCC 207



every fact, which if traversed, the plaintiff must prove in order to obtain judgment. In Words and Phrases (4th Edn.) the meaning attributed to the phrase 'cause of action' in common legal parlance is existence of those facts, which give a party a right to judicial interference on his behalf. (See Navinchandra N. Majithia v. State of Maharashtra [(2000) 7 SCC 640 : 2001 SCC (Cri) 215] .)"

5. This Court has no hesitation in holding that the Labour Commissioner at *Delhi* has the jurisdiction to entertain the reference. In reaching the said conclusion, the Court is also guided by the decision in Nandram Vs. Garware Polyster Ltd.², in which case the workman was transferred from *Aurangabad* to *Silvassa*, from where he was again transferred to *Pondicherry*, where his services were terminated on account of closure of the Management established at *Pondicherry*. The Management's registered office was at *Aurangabad* and the decision to close the office at *Pondicherry* as well as the decision to terminate the services of the workman were also taken at *Aurangabad*. The workman challenged his termination before the Labour Court at *Aurangabad*. The Management raised the issue of territorial jurisdiction. The Apex Court, while observing that it cannot be said that no part of the cause of action had arisen in *Aurangabad*, held as under:

"4. Though the learned counsel on both sides had addressed in detail on several issues, we do not think it necessary to go into all those aspects mainly because in our view they are only academic. In the background of the factual matrix, the undisputed position is that the appellant was employed by the Company in Aurangabad, he was only transferred to Pondicherry, the decision to close down the unit at Pondicherry was taken by the Company at Aurangabad and consequent upon that decision only the appellant was terminated. Therefore, it cannot be said that there is no cause of action at all in Aurangabad. The decision to terminate the appellant having been taken at Aurangabad necessarily part of the cause of action has arisen at Aurangabad. We have no quarrel that the Labour Court, Pondicherry is within its jurisdiction to consider the case of the appellant, since he has been terminated while he was

² (2016) 6 SCC 290



working at Pondicherry. But that does not mean that the Labour Court in Aurangabad within whose jurisdiction the management is situated and where the management has taken the decision to close down the unit at Pondicherry and pursuant to which the appellant was terminated from service also does not have the jurisdiction.”

6. Also, in a case involving the issue of objection to territorial jurisdiction, the Supreme Court in Bikash Bhushan Ghosh & Ors. Vs. Novartis India Ltd. & Anr.³ noted that on the workmen’s transfer to Siwan (Bihar), Farukhabad (U.P.), and Karimganj (Assam), and on their failure to join services at the transferred places, their services were terminated. The industrial dispute raised before the Industrial Disputes Tribunal, West Bengal, was held to be maintainable as the termination order was served on the workmen in Kolkata and as such part of the cause of action had arisen in Kolkata. While relying on its earlier decision in Workmen Vs. Shri Rangavilas Motors (P.) Ltd.⁴, the Court recognized the principle that two States may have territorial jurisdiction under Section 10(1)(c) of the I.D. Act, and that merely because another State also has jurisdiction, that would not stop the workmen from raising a dispute in the State in which part of the cause of action has arisen. It has been repeatedly held that the *situs* of employment would be a material factor in conferring territorial jurisdiction upon a Labour Court for raising labour dispute of the workmen⁵.

7. As noted above, in the present case, the workman has not joined the duties at Patna. Accordingly, the impugned order is set aside and the reference is restored. The parties shall approach the concerned Labour Court.

³ (2007) 5 SCC 591

⁴ AIR 1967 SC 1040

⁵ Decision dated 29.08.2023 in LPA 640/2022 titled “J. Balaji vs. The Hindu New Delhi & Anr.”



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8. The Deputy Labour Commissioner shall proceed with the reference in accordance with the law.
9. The petition is allowed and disposed of in above terms.

MANOJ KUMAR OHRI
(JUDGE)

JANUARY 12, 2026

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(released and corrected on 28.01.2026)