
(2008) 11 AP CK 0046

In the Andhra Pradesh High Court

Case No : Writ Petition No. 17858 of 1998 and W.P.M.P. No. 24381 of 2006

M.K. Umamaheswaran

APPELLANT

Vs

Union Bank of India

RESPONDENT

Date of Decision : 04-11-2008

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 141, 20
Constitution of India, 1950 — Article 226, 226(1A)

Citation : (2008) 11 AP CK 0046

Hon'ble Judges : Ramesh Ranganathan, J

Bench : Single Bench

Advocate : A. Sita Rama Rao, for the Appellant; C.R. Sridharan, for the Respondent

Final Decision : Dismissed

Judgement

Ramesh Ranganathan, J.—This writ petition is filed by a retired officer of the Union Bank of India questioning the order of dismissal passed by the 2nd respondent dated 28.11.1996 as confirmed by the order of the 1st. respondent dated 31.12.1997. Since the respondents have put in issue the maintainability of the writ petition itself, on the ground that this Court lacks territorial jurisdiction to entertain the writ petition, it would suffice if the facts pleaded with respect to the cause of action are alone taken note of.

2. In his affidavit filed in support of the writ petition, the petitioner submits that, on his retirement, he had settled down at Secunderabad in Andhra Pradesh and that he had earlier rendered 3 years service for the respondents in the regional office at Hyderabad. In their counter affidavit, the respondents state that the Registered office of the 1st respondent is at Mumbai, that the articles of charge was served on the petitioner on 3.4.1996 and 6.6.1996 at Mumbai when he was working there as an Assistant General Manager, that the proceedings in the enquiry were held at Mumbai, that the findings of enquiry officer were recorded and served on the petitioner at Mumbai, that in reply thereto the petitioner

submitted his written submission in Mumbai on 30.7.1996, that the disciplinary authority passed final" order dated 28.11.1996 in Mumbai, that the petitioner submitted his appeal to the Managing Director/Appellate Authority through post in Mumbai and that the appellate authority had passed the order in appeal at Mumbai on 31.12.1997. According to the respondents, since the offices of both the respondents whose orders are sought to be quashed were at Mumbai, and as no part of cause of action had arisen within the jurisdiction of this Court, the writ petition was liable to be dismissed on the ground of lack of jurisdiction.

3. The petitioner, thereafter, filed an application in W.P.M.P. 24381 of 2006 seeking amendment of pleadings incorporating para 31-A therein. The petitioner states that on the basis of the departmental enquiry he was deprived of his pensionary benefits which he was entitled to receive at Secunderabad where he was residing and, therefore, the departmental proceedings assailed in the writ petition had a direct bearing on his pensionary benefits. The petitioner further states that the departmental proceedings were completed during his retirement, that notices sent by the enquiry authority and the disciplinary authority, the order extending the services of the petitioner for the purpose of departmental enquiry, the show cause notice issued by the disciplinary authority in proceedings dated 23.10.1996 and the final order of the disciplinary authority were received by him at Secunderabad within the jurisdiction of this Court and that these facts constituted an integral part of the cause of action which had arisen at Secunderabad within the territorial jurisdiction of this Court. In the counter affidavit filed to the W.P.M.P, the factual averments aforementioned in the proposed para 31-A has not been specifically controverted by the respondents. I see no reason , therefore, not to allow the application. W.P.M.P. No. 24381 of 2006 is allowed and para 31-A is now made part of the affidavit filed in support of the writ petition. The question however, remains whether these facts would suffice to constitute a part of the cause of action having arisen within the territorial limits of this Court.

4. Sri A.V. Sessa Sai, Learned Counsel for the Petitioner, would contend that the petitioner's legal right has been infringed by the respondents on the order of punishment, and the order rejecting the appeal, being communicated to him within the territorial limits of this Court and that such infringement has resulted in actual injury being caused to him at Secunderabad as it had deprived the petitioner of the pensionary benefits which he was entitled to receive at Secunderabad where he was residing. Learned Counsel would place reliance on Navinchandra N. Majithia Vs. State of Maharashtra and Others, , Kusum Ingots and Alloys Ltd. Vs. Union of India (UOI) and Another, , Om Prakash Srivastava Vs. Union of India (UOI) and Another, , Alchemist Limited v. State Bank of Sikkim 2007 (4) ALD 61(SC), P.T. Munichikkanna Reddy and Others Vs. Revamma and Others, . He would also rely on a judgment of this Court in A.V. Vinod Kumar Vs. The Executive Committee of the Central Warehousing Corporation (A Govt. of India Undertaking) and Another, and a Division Bench Judgment of the Madras High Court in L.V. Veeri Chettiar and Another Vs. Sales Tax Officer, Bombay, .

5. On the other hand, Sri C.R. Sridharan, learned Counsel for the respondents, would contend that the distinction between right of action and cause of action must be borne in mind and, since no part of the cause of action had arisen within the territorial jurisdiction of this Court, even if petitioner's right of action is held to have arisen within the territorial jurisdiction of this Court, that by itself would not confer jurisdiction on this Court to entertain the writ petition. Learned Counsel would submit that, since the petitioner has sought a writ of certiorari to quash the order of the disciplinary/appellate authorities, both of which were passed outside the territorial limits of this Court and, since the enquiry proceedings were held at Mumbai, and the findings of the enquiry officer were recorded thereat, all of which had arisen beyond the territorial jurisdiction of this Court, this Court would not entertain the writ petition. Learned Counsel would submit that the mere fact that the order of punishment, or the appellate order, was communicated to the petitioner at Secunderabad did not by itself constitute cause of action justifying invoking the jurisdiction of this Court under Article 226 of the Constitution of India. Learned Counsel would place reliance on *Musaraf Hossain Khan Vs. Bhagheeratha Engg. Ltd. and Others*, , *Additional General Manager/Human Resource Bharat Heavy Electricals Ltd. Vs. Suresh Ramkrishna Burde*, and *Alchemist Limited* 2007(4) ALD 61 (SC).

6. It is only if the cause of action, either in whole or in part, arises within the territorial jurisdiction of this Court, can this Court exercise its jurisdiction to entertain the writ petition.

7. "Cause of action" is 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. It does not comprise every piece of evidence which is necessary to prove each fact, but every fact which is necessary to be proved. (*Read v. Brown* (1888) Vol. XXII QBD 128 and *The State of Madras Vs. C.P. Agencies and Another*,). In other words, a bundle of facts which taken with the law applicable to them gives the plaintiff a right to relief against the defendant. (*State of Rajasthan and Others Vs. Swaika Properties and Another*, ; *Bloom Dekor Limited Vs. Subhash Himatlal Desai and Others*, ; *Om Prakash Srivastava Vs. Union of India (UOI) and Another*,). It must include some act done by the defendant since, in the absence of such an act, no cause of action would possibly accrue or would arise. [*South East Asia Shipping Co. Ltd. Vs. Nav Bharat Enterprises Pvt. Ltd. and Others*, ; *Om Prakash Srivastava Vs. Union of India (UOI) and Another*,). In a generic and wide sense, (as in Section 20 of the Civil Procedure Code, 1908), "cause of action" means every fact, which it is necessary to establish to support a right to obtain a judgment, (*Sadanandan Bhadrans Vs. Madhavan Sunil Kumar*, ; *Om Prakash Srivastava Vs. Union of India (UOI) and Another*,), 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. (*Rajasthan High Court Advocates' Assn. v. Union of India* (2001) 2 SCC 294 ; *Om Prakash Srivastava Vs. Union of India (UOI) and Another*,). These are all those essential facts without the proof of which the plaintiff must fail in his suit. (*Gurdit Singh and*

Others Vs. Munsha Singh and Others, ; Om Prakash Srivastava Vs. Union of India (UOI) and Another,). It refers entirely to the grounds 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. (Mst. Chand Kour v. Partab Singh 15 Ind App 156; The State of Madras Vs. C.P. Agencies and Another,).

8. 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 [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; 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. (Navinchandra N. Majithia Vs. State of Maharashtra and Others, ; Om Prakash Srivastava (2006)6 SCC 207).

9. In Halsbury's Laws of England (4th Edn.):

"Cause of action" has been defined as meaning simply a factual situation, the existence of which entitles one person to obtain from the court a remedy against another person. The phrase has been held from earliest time to include every fact which is material to be proved to entitle the plaintiff to succeed, and every fact which a defendant would have a right to traverse. "Cause of action" has also been taken to mean that a particular act on the part of the defendant which gives the plaintiff his cause of complaint, or the subject-matter of grievance founding the action, not merely the technical cause of action.

10. The collocation of the words "cause of action, wholly or in part, arises" seems to have been lifted from Section 20 of the Code of Civil Procedure, which section also deals with the jurisdictional aspect of Courts. (Navinchandra N. Majithia Vs. State of Maharashtra and Others,). Although in view of Section 141 of the Code of Civil Procedure, the provisions thereof would not apply to writ proceedings, the phraseology used in Section 20(c) of the Code of Civil Procedure, and Clause (2) of Article 226, being in pari materia, the decisions of the Supreme Court rendered on an interpretation of Section 20(c) CPC apply to writ proceedings also. (Ambica Industries Vs. Commissioner of Central Excise, ; Kusum Ingots and Alloys Ltd. Vs. Union of India (UOI) and Another,).

11. In order to exercise jurisdiction to entertain a writ petition, the High Court must be satisfied, from the entire facts pleaded in support of the cause of action, that those facts do constitute a cause so as to empower the court to decide a dispute which has, at least in part, arisen within its jurisdiction. (Union of India and Others Vs. Adani Exports Ltd. and Another,). Each and every fact pleaded in the writ petition does not ipso facto lead to the conclusion that those facts give rise to a cause of action within the court's territorial jurisdiction unless those facts are such which have a nexus or relevance with the lis that is involved in the

case. Facts which have no bearing on the lis or dispute involved in the case, do not give rise to a cause of action so as to confer territorial jurisdiction on the court concerned. (Union of India and Others Vs. Adani Exports Ltd. and Another, ; National Textile Corpn. Ltd. and Others Vs. Haribox Swalram and Others,). Similarly, the facts pleaded in the writ petition must have a nexus on the basis whereof a prayer can be granted. Those facts which have nothing to do with the prayer made therein cannot be said to give rise to a cause of action which would confer jurisdiction on the Court. (Kusum Ingots and Alloys Ltd. Vs. Union of India (UOI) and Another, ; Eastern Coal Co. Pvt. Ltd. v. Coal Controller 90 C.W.N. 438).

12. What is necessary to be proved, before the petitioner can obtain a decree, are material facts. The expression material facts is also known as integral facts. (Ambica Industries Vs. Commissioner of Central Excise, ; Kusum Ingots and Alloys Ltd. Vs. Union of India (UOI) and Another,). The test is whether a particular fact (s) is (are) of substance and can be said to be material, integral or essential part of the lis between the parties. If it is, it forms a part of the cause of action. If it is not, it does not form a part of the cause of action. In determining the question, the substance of the matter and not the form thereof has to be considered. (Alchemist Limited 2007(4) ALD 61 (SC)). High Courts should exercise caution not to transgress into the jurisdiction of other High Courts merely on the ground that some insignificant event, trivial and unconnected with the cause of action has taken place within the territorial limits of the High Court to which the litigant approaches at his own choice or convenience. (Oil and Natural Gas Commission Vs. Utpal Kumar Basu and Others, and Navinchandra N. Majithia Vs. State of Maharashtra and Others,).

13. The question whether "cause of action", either in whole or in part has arisen within the territorial jurisdiction of a particular High Court must only be decided on the basis of the pleadings. In determining the objection regarding 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 writ petition. (Oil and Natural Gas Commission Vs. Utpal Kumar Basu and Others,). In the absence of an averment that the cause of action, or a part of it, has arisen within the territorial jurisdiction of the concerned High Court the writ petition would be dismissed. (Sarabjit Kaur Vs. Union of India (UOI) and Others,).

14. Before examining whether the facts pleaded in support of the "cause of action" constitute cause of action in part having arisen within the territorial limits of this Court, it is useful to refer to the judgments relied upon by Sri A.V. Seshasai, Learned Counsel for the Petitioner and Sri C.R. Sridharan, Learned

Counsel for the Respondents.

15. In *Navinchandra N. Majithia Vs. State of Maharashtra and Others*, , the appellant filed a writ petition before the Bombay High Court seeking to quash the FIR/complaint lodged against them in the State of Meghalaya and the writ petition was dismissed for lack of territorial jurisdiction. In appeal, the Supreme Court observed that the mere fact that an FIR was registered in a particular State was not the sole criterion to decide that no cause of action had arisen even partly within the territorial limits of the jurisdiction of another State, that the High Court before which the writ petition is filed must ascertain whether any part of the cause of action had arisen within the territorial limits of its jurisdiction, which depends upon the facts in each case, that in the present case, a large number of events had taken place in Mumbai in respect of the allegations contained in the FIR registered at Shillong, that if the averments were correct then a major portion of the facts which led to registration of the FIR had taken place at Mumbai and it was therefore not possible to hold that not even a part of the cause of action had arisen at Mumbai so as to deprive the High Court at Mumbai of territorial jurisdiction to entertain the writ petition.

16. In *Kusum Ingots and Alloys Ltd. Vs. Union of India (UOI) and Another*, , the question that arose for consideration was whether the seat of Parliament or the legislature of a State would be a relevant factor for determining the territorial jurisdiction of a High Court to entertain a writ petition under Article 226 of the Constitution of India. The appellant therein was a company registered at Mumbai. It obtained a loan from the Bhopal branch of State Bank of India and a notice was issued for repayment of said loan from Bhopal under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Questioning the vires of the said Act, a writ petition was filed before the Delhi High Court, which was dismissed on the ground of lack of territorial jurisdiction. The appeal preferred thereagainst was dismissed by the Supreme Court.

17. In *Om Prakash Srivastava Vs. Union of India (UOI) and Another*, , a writ petition was filed before the Delhi High Court contending that the appellant was being tried in several cases contrary to the extradition treaty. The appellant had come to India by way of extradition from Singapore and was facing trial in eight cases. He pleaded that he was kept in solitary confinement without proper medical aid in the Central Jail in Uttar Pradesh. The writ petition filed before the Delhi High Court was dismissed holding that the Allahabad High Court would also have jurisdiction to deal with the grievances of the petitioner and can deal with the conditions of prisoners in that State more effectively, though the Delhi High Court may also have jurisdiction. It is in this context that the Supreme Court observed:

...The question whether or not cause of action wholly or in part for filing a writ petition has arisen within the territorial limits of any High Court has to be decided in the light of the nature and character of the proceedings under Article

226 of the Constitution. In order to maintain a writ petition, a writ petitioner has to establish that a legal right claimed by him has prima facie either been infringed or is threatened to be infringed by the respondent within the territorial limits of the Court's jurisdiction and such infringement may take place by causing him actual injury or thereat thereof....

18. The Supreme Court further noted that the Delhi High Court had not dealt with the question as to whether it had jurisdiction to deal with the writ petition but had merely observed that though it may have jurisdiction, the issues could be more effectively dealt with by the Allahabad High Court. The Supreme Court held that this was not the correct way to deal with the writ petition and, accordingly, set aside the order of the High Court and remanded the matter for a fresh hearing on merits.

19. In *Ambica Industries Vs. Commissioner of Central Excise*, , the Supreme Court held that even if a small fraction of the cause of action arises within the jurisdiction of a Court, the Court would have jurisdiction in the matter.

20. In *Alchemist Limited* 2007(4) ALD 61 (SC), the appellant was a company having its registered office at Chandigarh. The first respondent was the State Bank of Sikkim and the second respondent was the State of Sikkim. The second respondent desired to disinvest 49% of its equity capital to a strategic partner with transfer of management in the first respondent-Bank and, for that purpose, issued an advertisement in "Economic Times" inviting offers. The applications were made to the State Bank of Sikkim at its Head office at Gangtok. The appellant submitted its proposal and negotiations took place thereafter. The Chairman and Managing Director of the first respondent-Bank visited Chandigarh for further negotiations. The first respondent-Bank asked the appellant to deposit a sum of Rs. 4.50 crores in State Bank of India in a fixed deposit. The first respondent-Bank informed the appellant that its proposal was accepted in principle subject to consideration and approval of the Government of Sikkim. The appellant received a communication at Chandigarh from the first respondent-Bank informing them that the Government of Sikkim had not approved the proposal. Challenging the said action, a writ petition was filed before the Punjab and Haryana High Court, which was dismissed on the ground that the High Court lacked territorial jurisdiction to entertain the writ petition as no cause of action had arisen within its limits. It is in this factual context that the Supreme Court held that for the purpose of deciding whether the facts averred by the petitioner-appellant, would or would not constitute a part of cause of action, one had to consider whether such facts constituted a material, essential, or integral part of the cause of action, that, while it was true that even if a small fraction of the cause of action arose within the jurisdiction of the Court, the Court would have territorial jurisdiction to entertain the petition, nevertheless it must be a "part of cause of action", nothing else than that. The Supreme Court concluded that "the High Court was justified in dismissing the writ petition for want of territorial jurisdiction."

21. In L.V. Veeri Chettiar and Another Vs. Sales Tax Officer, Bombay, , a Division Bench of Madras High Court held:

"...Cause of action" has always been understood as referable to the bundle of facts in a legal proceeding and if a limb of that bundle of facts is available, seen or discernible in one particular place which is a seat of the High Court, then such High Court has the power to exercise all the powers conferred on it under Article 226(1-A) notwithstanding the fact that the authority against whom the ultimate rule has to be issued and whose act has created a cause of action as a whole or in part, is situate outside its territorial limits. The person primarily affected by the respondent issuing the notices from time to time to the petitioners and calling upon them to produce the accounts of their business carried on in the State of Tamil Nadu and again by proposing to assess them to the best of his judgment on the assumption of certain jurisdictional facts, is the addressee of such notice and such affection relates to the bundle of facts in the totality of the lis or proceeding concerned, and such impact necessarily gives rise to a cause of action, though it may be in part. It is established that in fiscal laws a proposal to assess forms part and parcel of the machinery of assessment and thus understood, the service of notice to assess and calling upon the petitioner to explain has given rise to a cause of action as is popularly and legally understood and the machinery of assessment has been set in motion and the impact of that motion is felt by the petitioners within the territorial limits of this State. We have therefore no hesitation in holding that a part of the cause of action has arisen in the State of Tamil Nadu....

(emphasis supplied)

22. Likewise, a learned Single Judge of this Court in A.V. Vinod Kumar Vs. The Executive Committee of the Central Warehousing Corporation (A Govt. of India Undertaking) and Another, , held thus:

...Admittedly, the petitioner was suspended and charge-sheeted for the misconduct committed by him while he was working as Senior Assistant manager (G), Central Warehousing Corporation, Regional office at Lucknow. The suspension order was revoked by the 2nd respondent by an order dated 2-4-1987 and the petitioner was directed to report for duty at Central Warehouse, Chandausi. It appears, thereafter, he was transferred as Senior Assistant Manager (G), Central Warehouse, unit-II, Visakhapatnam. The order dated 24-12-1991 passed by the disciplinary authority at New Delhi was communicated to the petitioner while he was working at Central Warehouse Unit-II, Visakhapatnam. Further, he filed an appeal from Visakhapatnam and the same was rejected by an order dated 3-8-1995 and communicated to the petitioner while he was working as Deputy Manager (G), CWC, Regional office, Hyderabad. Likewise, the representation dated 23-7-1999 filed by the petitioner seeking payment of full salary for the suspension was filed while he was working at Hyderabad and the order dated 12-8-1997 passed by the Senior Assistant manager (Vig.), CWC, New Delhi was communicated to the petitioner while he

was working at Hyderabad. Thus, when the petitioner was working at Visakhapatnam, the final order of punishment was got effected. Further, the orders passed in the appeal and mercy petitions were communicated to him while he was working at Hyderabad. Under those circumstances, it cannot be said that no part of cause of action had arisen within the State of Andhra Pradesh for invoking the territorial jurisdiction of this Court under Article 226 of the Constitution of India. Further, it is well settled that unless and until an order is communicated, it cannot be said that it comes into effect....

...From the said decisions, it is clear that even if a part/fraction of cause of action to challenge the impugned order arose within the territorial jurisdiction of a particular High Court, that High Court can entertain a writ petition under Article 226 of the Constitution of India. In this case, as noticed above, the final order of punishment was served on the petitioner at Visakhapatnam, which is within the territorial jurisdiction of this Court. That apart, this is not a case where the petitioner was suspended and enquiry was conducted in the territorial jurisdiction of other High Court and the order of punishment was merely served on the petitioner at his permanent address, which is located within the territorial jurisdiction of this Court and also he was not on the rolls of any of the Offices located within the territorial jurisdiction of this Court. Petitioner is very much an Officer in the respondent-Organization and was working in an Office located within the territorial jurisdiction of this Court, where the order of punishment was effected. Therefore, the objection taken by the learned Counsel for the respondents that the writ petition itself is not maintainable cannot be accepted and as such, the writ petition is very much maintainable. The judgments relied upon by the learned Counsel for the respondents, in this regard, have no relevance to the facts of this case and as such, there is no necessity to delve upon the same....

(emphasis supplied)

23. In *Musaraf Hossain Khan Vs. Bhagheeratha Engg. Ltd. and Others*, , the Supreme Court referred with approval to the Full Bench judgment of the Kerala High Court in "*Nakul Deo Singh v. Deputy Commandant 1999(3) KLT 629*" and held:

...In *Nakul Deo Singh v. Deputy Commandant 1999 (3) KLT 629*, a Full Bench of the Kerala High Court speaking through one of us, P.K. Balasubramanyan, J., while considering the question as to whether receipt of an order passed by an appellate authority in a disciplinary proceeding would constitute cause of action, upon noticing the definition thereof as stated in Mulla's Code of Civil Procedure, 15th Edn., Vol.1 at page 251 and a decision of the Court of Appeal in *Paragon Finance v. D.B. Thakerar & Co. (1999) 1 All ER 400*, opined:

...The fact that a person who was dismissed from service while he was in service outside the State would have to suffer the consequence of that dismissal when he is in his native place by being rendered jobless, is not a fact which constitutes

the bundle of facts giving rise to a cause of action in his favour to challenge his dismissal. That right accrued to him earlier when he was dismissed from service outside the State and he lost his employment. Similarly, when an appeal is filed by him to an appellate authority who is outside the jurisdiction of this High Court and that appeal is dismissed by the appellate authority, the merger in the decision of the Appellate Authority takes place when the appeal is dismissed and not when the appellant receives the order. What a writ petitioner need plead as a part of his cause of action is the fact that his appeal was dismissed wholly or in part and not the fact that the order was communicated to him. That plea is relevant only to show when the right of action arose in his favour. The receipt of the order only gives him a right of action on the already accrued cause of action and enables him to meet a plea of laches or limitation raised in opposition. That the consequences of a proceeding in the larger sense are suffered by a person in his native place is not a ground to hold that the high Court within the jurisdiction of which the native place is situate is also competent to entertain a Writ Petition under Article 226 of the Constitution. When a person is dismissed or reduced in rank, he suffers the consequences where he was employed at the relevant time and not in his native place to which he might have retired on his dismissal....

(emphasis supplied)

24. As held by the Full Bench of the Kerala High Court in *Nakul Deo Singh v. Deputy Commandant* 1999(3) KLT 629, which judgment has been referred with approval by the Supreme Court in *Musaraf Hossain Khan Vs. Bhagheeratha Engg. Ltd. and Others*, , the distinction between a right of action and cause of action must be borne in mind and the mere fact that the person dismissed from service, while he was in service outside the State would have to suffer the consequence of that dismissal when he is in his native place by being rendered jobless, is not a fact which constitutes a part of the bundle of facts giving rise to a cause of action. The merger of the decision of the disciplinary authority with that of the order of the appellate authority takes place when the appeal order is passed and not when the appellant receives the order.

25. The facts which, according to the petitioner, constitute cause of action in part having arisen within the territorial jurisdiction of this Court are: (1) that he had retired and settled down in Secunderabad, (2) that earlier for a three year period from 1974 to 1977 he had worked at the Regional Office at Hyderabad, (3) that the departmental proceedings assailed in the writ petition have a direct bearing on his pensionary benefits and, as a consequence of the order of punishment, he is being deprived of the pensionary benefits which he is entitled to receive at Secunderabad, where he is residing, and (4) that the departmental proceedings were continued even after his retirement from service and notices by the enquiry authority and disciplinary authority, the order extending his services for the purpose of departmental enquiry, the show cause notice issued by the disciplinary authority in memo dated 23.10.1996 and the final orders of the disciplinary and appellate authorities, were all received by him at Secunderabad

within the territorial jurisdiction of this Court.

26. The mere fact that the petitioner was entitled to receive his pensionary benefits at Secunderabad where he is residing, that he received notices and the impugned orders of dismissal and rejection of appeal at Secunderabad would not constitute cause of action even in part. As observed by the Full Bench of the Kerala High Court in *Nakul Deo Singh v. Deputy Commandant* 1999(3) KLT 629, (referred to with approval by the Supreme Court in *Musaraf Hossain Khan Vs. Bhagheeratha Engg. Ltd. and Others*,), these are but consequences of the order of dismissal and rejection of the appeal. As both the orders were passed and the enquiry proceedings were held outside the territorial limits of this Court, the mere fact that notices were received and the petitioner is entitled to receive pension at Secunderabad would not confer territorial jurisdiction on this Court. As noted herein above, in order to constitute a part of the cause of action the facts pleaded must not only be material but must also be integral to the lis. The fact that the petitioner had earlier served at the Regional Office, Hyderabad from 1974 to 1977 has no bearing on the lis involved in the present writ petition, wherein the challenge is to the order of dismissal as confirmed in appeal.

27. It is no doubt true that the Division Bench judgment of the Madras High Court in *L.V. Veeri Chettiar and Another Vs. Sales Tax Officer, Bombay*, , and this Court in *A.V. Vinod Kumar Vs. The Executive Committee of the Central Warehousing Corporation (A Govt. of India Undertaking) and Another*, , do indicate that receipt of notices would constitute a part of cause of action within the territorial jurisdiction of a High Court. The fact, however, remains that the Full Bench judgment of the Kerala High Court in *Nakul Deo Singh* 1999(3) KLT 629, has been referred to with approval by the Supreme Court in *Musaraf Hossain Khan Vs. Bhagheeratha Engg. Ltd. and Others*, , wherein it is categorically laid down to the contrary. A judgment of a High Court being referred with approval by the Supreme Court would necessitate High Courts to follow the said decision. Consequently, it must be held that no part of the cause of action has arisen within the territorial limits of this Court. On this ground alone, the writ petition is liable to be and is, accordingly, dismissed. However, in the circumstances, without costs.