

(2009) 07 DEL CK 0093

In the Delhi High Court

Case No : Writ Petition (C) No. 710 of 2009

Shri Harsaran Singh

APPELLANT

Vs

The Managing Director, Modern Food Industries (India) Ltd.

RESPONDENT

Date of Decision : 14-07-2009

Acts Referred:

Citation : (2009) 163 DLT 794

Hon'ble Judges : S.N. Aggarwal, J

Bench : Single Bench

Advocate : S.N. Bhardwaj, for the Appellant; Sandeep Prabhakar, for the Respondent

Final Decision : Allowed

Judgement

S.N. Aggarwal, J.—This writ petition filed by the workman (the petitioner herein) is directed against an award dated 05.09.2008 passed by Ms. Renu Bhatnagar, POLC X, Delhi rejecting the reference relating to alleged illegal termination of the petitioner from the service of the respondent for want of territorial jurisdiction.

2. The petitioner was appointed as Mechanic (Air Conditioning and Refrigeration) by the management of the respondent w.e.f. 03.11.2007 and in the course of time, he was promoted to the post of Fitter Grade I w.e.f. 27.03.1987. At the time of his initial appointment and also at the time of his promotion, he remained employed in the Head Office of the management respondent at Delhi. Due to administrative exigencies of work, the petitioner was transferred from Delhi to Faridabad w.e.f. 24.10.2002 and from there his services were terminated by the respondent w.e.f. 19.12.2003 because of closure of Faridabad Unit of the respondent. The petitioner raised an industrial dispute with regard to his alleged termination by filing a statement of claim before the Labour Court.

3. The court below has rejected the reference made by the petitioner before it with regard to his termination for want of its territorial jurisdiction.

4. The short question that arises for consideration is whether Delhi Court or

Faridabad Court has the jurisdiction in the matter to decide the dispute raised by the petitioner with regard to his alleged termination. It is not disputed by the petitioner that at the time of his termination, he was posted with the respondent at its Faridabad Office. There are any number of judgments in which it is held that it is the situs of place of employment of the workman which determines the question of territorial jurisdiction for deciding the labour dispute, if raised by the workman. This question of territorial jurisdiction under identical fact situation came up for consideration before this Court on earlier occasion in *Braham Parkash v. Government of NCT of Delhi and Anr.* 143 (2007) DLT 311. In that case also the workman was appointed initially by the Head Office at Delhi but at the time of his termination, he was posted by the management at Neemrana, Alwar, Rajasthan and in those facts, it was held by this Court that only the Rajasthan Court has the territorial jurisdiction to decide the industrial dispute raised by the workman. While deciding the *Braham Parkash's* case, this Court has noted a judgment of the Hon''ble Supreme Court in *Om Prakash Srivastava v. Union of India* 5 (2006) SLT 655 wherein it was held that situs of employment of the workman at the time of termination determines the question of jurisdiction of the Court to entertain and decide the reference. Similar view has been taken by this Court in two other cases in *G.S. Batra v. R.N. Mehrotra* 2004 LLR 445 and *DLF Universal Ltd. v. The Government of National Capital Territory, Delhi and Ors.* 2002 LLR 407. Mr. S.N. Bhardwaj appearing on behalf of the workman has not cited any judgment to the contrary. Under the circumstances, this court has no option but to act upon the precedents referred and relied upon by the Counsel appearing on behalf of the management.

5. In view of the above, this writ petition is allowed and the impugned order of the Court below is set aside for want of its territorial jurisdiction. However, Liberty is granted to the workman to raise an industrial dispute before the appropriate Government in the jurisdiction where he was posted at the time of his impugned termination as per law.