

(2012) 09 RAJ CK 0061

In the Rajasthan High Court

Case No : Civil Revision Petition No. 88 of 2012

Rajasthan State Road Transport Corporation and Others

APPELLANT

Vs

Kaptan Singh

RESPONDENT

Date of Decision : 03-09-2012

Acts Referred:

Citation : (2013) 1 WLN 32

Hon'ble Judges : Prem Shanker Asopa, J

Bench : Single Bench

Advocate : S.C. Mittal, for the Appellant;

Final Decision : Dismissed

Judgement

Prem Shanker Asopa, J.—This revision petition is directed against the order dt. 25.04.2012 passed by the Addl. Civil Judge (Junior Division) No. 2, Jaipur Metropolitan in Civil Suit No. 388/2011 titled Kaptan Singh vs. RSRTC and Others whereby the objection of the defendant-petitioners relating to the jurisdiction of the civil Court being barred in respect of the challenge to the order dt. 25.02.2010 of dismissal from service of the petitioner and rejection of the appeal against the said order of dismissal dt. 23.08.2010 passed by the RSRTC, has been rejected. Submission of the counsel for the revision petitioners is that since the violation of the Standing Orders has also been raised in the case, the jurisdiction of the civil Court is barred and the revision petitioners being an industry and the plaintiff being a workman the subject matter of the suit is within the jurisdiction of the Labour Court under the Industrial Disputes Act, 1947.

2. I have gone through record of the revision petition and further considered the aforesaid submission of the counsel for the petitioners.

3. The averments of the plaint, which have been considered by the trial Court, clearly reveal that the civil suit is based on not following the principles of natural justice while conducting departmental enquiry. The trial Court further rightly discussed the said principle laid down by the Supreme Court on the aforesaid

issue without any citation, which I may refer Rajasthan State Road Transport Corporation and Another Vs. Bal Mukund Bairwa, Paras 10 and 47. In my view, the judgment of the Supreme Court in Bal Mukund Bairwa (2) (supra) has clearly held that in case of violation of the principles of natural justice, the civil Court has jurisdiction to hear the matter. The revision petition has no force and the same is dismissed.