

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Second Appeal No. 329/2024

Gram Panchayat, Bada

----Appellant

Versus

Chhitarlal Son Of Parasram,

----Respondent

For Appellant(s)	:	Mr. Sanjay Kumar Singhal with Ms. Firoz Akhtar Ansari
For Respondent(s)	:	Mr. Manoj Prajapat for Mr. Mukesh Sharma

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN
Order

21/01/2025

1. Aggrieved from judgment dated 13.05.2024 in civil regular appeal No.33/2022 passed by learned District Judge, Baran instant second appeal is preferred by appellant defendant.
2. Learned counsel for appellant submitted that learned trial court has dismissed the civil suit but on an appeal the appellate court has allowed the appeal and decreed the suit. He also submitted that respondent plaintiff was never employed by the appellant but even if the appellate court has considered the forged photocopy of service book and declared order dated 31.01.1999 as null and void and further allowed compensation of ₹ 1 lac for illegal termination of respondent plaintiff. He further submitted that the civil court has no jurisdiction in view of Section 2(F) of the Rajasthan Civil Services Appellate Tribunal Act to consider the service matter but the appellate court ignoring the material on record has passed a decree in favour of respondent plaintiff.
3. Aforesaid contentions were opposed by learned counsel for respondent and submitted that respondent plaintiff has served

Village panchayat and he has produced enough documentary and oral evidence to establish his contention and learned trial court has dismissed the suit ignoring the evidence and material available on record but the appellate court after considering the material on record has rightly decreed the suit. At last he submitted that there is no perversity or illegality in the judgment passed by appellate court therefore no substantial question of law is made out.

4. Having considered the submissions, the grounds give rise to following substantial question of law:

(i) Whether the appellate court has committed serious error while not considering the well reasons judgment passed by the trial court, while allowing the appeal and passing a decree in favour of respondent plaintiff?

(ii) Whether the civil court has jurisdiction to entertain a civil suit relating to service matter as defined under Section 2F of Rajasthan Civil Service Appellate Tribunal Act, 1976?

(iii) Whether there was an existing contract of employment between appellant and respondent so as to give locus to plaintiff to file a civil suit for declaration and injunction?

5. Admit.

6. Considered stay application.

7. The effect and operation of order dated 13.05.2024 in civil regular appeal No.33/2022 shall remain stayed till disposal of appeal.

8. Stay application stands disposed of.

9. List for hearing in July, 2025.

(ASHOK KUMAR JAIN),J