
(2008) 05 PAT CK 0072
In the Patna High Court
Case No : LPA No. 268 of 2000

Chhaya Mukherjee and Others APPELLANT
Vs
The State of Bihar and Others RESPONDENT

Date of Decision : 13-05-2008

Acts Referred:

Citation : (2008) 3 PLJR 205

Hon'ble Judges : Shiva Kirti Singh, J;J.N. Singh, J

Bench : Division Bench

Advocate : Man Mohan and Vikas Mohan, for the Appellant; Lalit Kishore and Piyush Lall, for the Respondent

Final Decision : Dismissed

Judgement

Shiva Kirti Singh & Jayanandan Singh, JJ.—Heard learned counsel for the appellant and learned counsel for the State. On going through the relevant facts, particularly Annexures- 9 and 10 to the Writ Petition, we find that although initially the writ petitioner had gone on deputation from service under the State of Bihar to a post in the Bihar State Export Corporation Limited for a period of three years but before the expiry of the said period of three years he obtained appointment on substantive basis to a permanent post in the said Corporation. This fact is evident from office order of the Corporation dated 7.7.1989 (Annexure-10 to the Writ Petition). On getting knowledge of such substantive appointment of the petitioner on a post in the Corporation, his lien was also deemed to have terminated with effect from 9.5.1978 as is mentioned in the order of the State Government dated 19th September, 1988 (Annexure-9 to the Writ Petition).

2. It is not in dispute that after working on various posts in the Corporation the Writ Petitioner superannuated from there in the year 1998. Just prior to that, he filed the Writ Petition in the year 1997 to claim that he continued to have a lien on the post in the service of the Government of Bihar. On proper consideration of all the facts, the provisions of the Bihar Service Code particularly Rule 70(c) and

the relevant circulars, we find that the Writ Court has rightly dismissed the claim of the writ petitioner that he can not hold lien of a Government post after he obtained substantive appointment on another post in the Corporation. There is no difficulty in holding that the petitioner's lien was rightly terminated in accordance with the rules. Hence, we find no reason to interfere with the order of the Writ Court. The appeal is found to be without merit. It is dismissed accordingly.