

## Chhaya Mukherjee and Others Vs The State of Bihar and Others

**Court:** Patna High Court

**Date of Decision:** May 13, 2008

**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.