

Satya Narain Pareek

Vs

State of Rajasthan and Another

Civil Appeal No. 6964 of 1996

(K. Ramaswamy, G. B. Pattianaik JJ)

29.03.1996

ORDER

1. Leave granted.

2. Admittedly, the appellant was appointed as a Lower Division Clerk in the Technical Education Department. He was transferred on deputation to the Transport Department. In the impugned order he was repatriated to the Technical Education Department. Calling that action in question, the appellant filed Writ Petition No. 2058 of 1989. The learned Single Judge of the High Court by order dated 16-7-1990 dismissed the same. On appeal, in Civil Special Appeal No. 215 of 1990, it was confirmed by the Division Bench by order dated 13-5-1994. Thus this appeal by special leave.

3. The only controversy raised by Shri K. Madhava Reddy, the learned Senior Counsel for the appellant is that in view of the letter addressed by the Technical Education Department that his lien was suspended and he could not be taken back into the service, the appellant has lost his lien in the parent department. Therefore, he must be deemed to have permanently absorbed in the Transport Department. We find no force in the contention.

4. In the counter-affidavit filed by the State, it is stated that :

"Since the petitioner was, admittedly, temporarily transferred to a tenure post, his lien in the parent department cannot be suspended under 1951 Rules. The claim of the petitioner that his lien exists in the Transport Department is without any basis and wholly misconceived."

In view of the above specific stand taken by the State and it is also consistent with the rules that since the appellant being a permanent employee in Technical Education Department, during his deputation in the Transport Department his lien shall always remain in the parent department. On his repatriation, he goes back to his parent department, namely, Technical Education Department and he is entitled to his claims in his own right in that department.

5. The appeal is accordingly dismissed. No costs.