

THE BIHAR STATE WATER DEVELOPMENT CORPORATION

v.

SHRI ARUN KUMAR MISHRA AND ORS.

MARCH 10, 1997

[K. RAMASWAMY AND G.T. NANAVATI, JJ.]

*Service Law :*

*Lien—Permanent employee in Irrigation Department of government of Bihar—Subsequently—Transferred to Bihar State Water Development Corporation—Later the Corporation wound up—Employees working in Corporation proposed to be accommodated in different departments—Respondent sent to Finance Department—He challenged his placement on the ground that he was still having lien in Irrigation Department—Held, there is no evidence to show that his lien in Irrigation Department was terminated; nor is he confirmed in the Corporation—He was required to be repatriated to the parent Department.*

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 1978 of 1997 Etc.

From the Judgment and Order dated 20.11.91 of the Patna High Court in C.W.J.C. No. 6073 of 1991.

Basudev Prasad, R.K. Khanna and R.P. Singh for the Appellant.

The following Order of the Court was delivered :

Leave granted.

This appeal arises from the Judgment and order made on 20.11.91 by the High Court of Patna in CWJC No. 6073 of 1991.

The specific case set up by the first respondent is that he was working in the Irrigation Department as a permanent employee holding a lien in that post. Subsequently he was transferred along with others to the Bihar State Water Development Corporation the appellant. It is an admitted position that the said Corporation has been wound up. Consequently, instead of termination of the services of the employees working in the

- A Corporation, an attempt was made to have them accommodated in different Departments. The first respondent was sent to the Finance Department which he had challenged. His specific case is that he was still having a lien on the post he hold in the Irrigation Department. That was not controverted in the High Court by filing an affidavit. No contra evidence has been placed before us also.

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- The contention of the Corporation and the Government is that since the Bihar State Water Development Corporation has been wound up, the employees have been adjusted in different Departments. The order passed by the High Court would create difficulty, if similarly situated employees claim the same position. We appreciate the inconvenience of the Government but each case is required to be decided, in the light of the fact situation.

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- It is an admitted position that when the first respondent was initially sent on deputation to the Bihar State Water development Corporation, he was allowed to retain the lien in the parent Department and the same was to continue until the lien was duly terminated only on his confirmation in the Irrigation Development Corporation. No evidence is placed before us to show that his lien in the Irrigation Department was terminated nor is he confirmed in the Corporation. Since the Bihar State Water Development Corporation was wound up, as he was holding lien in the post in the parent Department, he was required to be repatriated to the parent Department. No Such step was taken.

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Under these circumstances, the view taken by the High Court, on the facts, cannot be said to be vitiated by any error of law warranting interference. The appeals are accordingly dismissed. No. costs.

R.P.

Appeals dismissed.