

LPA No. 457 of 2015. [O&M]  
Date of Decision: 28<sup>th</sup> July, 2015.

State of Haryana &amp; Ors. Respondents

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*CM No. 2322-LPA of 2015*

CM stands disposed of.

This Letters Patent Appeal assails the order dated 18.02.2015 whereby learned Single Judge has upheld the order rejecting the appellant's claim to allow him to join back in Haryana Civil Secretariat and consequently his writ petition has been dismissed.

[2]. The facts may be briefly noticed. The appellant joined the office of Director, Supplies and Disposal Department, Haryana as a Clerk on 15.10.1980. He got relieved from that department on 21.06.1983 to join as Clerk in the Education Department on the next day. The appellant left the Education Department on 06.04.1988 to take over as Clerk-cum-Steno Typist in the Haryana Civil Secretariat

on 07.04.1988. He was thereafter appointed as a Clerk on transfer basis in the office of the Commissioner, Gurgaon Division, Gurgaon on 07.12.1990, from where he again came to Civil Secretariat as Steno Typist [Hindi and English] on 03.12.1991. The appellant again applied for appointment on transfer basis and he was taken as a Steno Typist [Hindi] in the office of the Deputy Commissioner, Gurgaon, where he joined on 19.07.2001. While relieving the appellant to join the above mentioned post at Gurgaon, the Competent Authority in the Civil Secretariat vide order dated 05.12.1990 [P-5] made it clear that the lien of appellant along with one Ram Kishan Clerk “will not be retained in the Haryana Civil Secretariat....”.

[3]. The appellant again changed his mind and wanted to come to Haryana Civil Secretariat and sought his repatriation/re-transfer vide representation dated 09.04.2014 [P-18] which was turned down by the Chief Secretary, Haryana vide order dated 05.12.2014 [P-19]. The said order has been upheld by the learned Single Judge.

[4]. We have heard counsel for the appellant who submits that one Rajbir Singh Saini who had left the service of Haryana Civil Secretariat in similar circumstances and whose lien was not retained, was allowed to rejoin the Civil Secretariat service in the year 1997 and the appellant ought to have been allowed on the same analogy.

[5]. We, however, do not find any substance in the contention. The lien of the appellant was not admittedly retained in the Secretariat at Chandigarh. He had no claim for re-appointment/re-

transfer on the post in the Secretariat, which in all probabilities, stood filled-in by a new incumbent meanwhile. The instance of Rajbir Singh Saini of 1997, even if it so happened, can not be taken as a binding precedent to perpetuate the illegality.

[6]. No case to interfere with the impugned order is made out.

Dismissed.

**( SURYA KANT )**  
**JUDGE**

**July 28, 2015.**  
**dinesh**

**( P.B.BAJANTHRI )**  
**JUDGE**