



CNR: KAHC010676582025

NC: 2026:KHC:44767-DB
WP No. 31550 of 2025

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT PETITION NO. 31550 OF 2025 (GM-CON)

BETWEEN:

1. THE POST MASTER,
BANASHANKARI POST OFFICE,
BSK 1ST STAGE,
BENGALURU 560 050.
2. THE SENIOR SUPERINTENDENT
OF POST OFFICES,
SOUTH DIVISION,
BENGALURU 560 041.
3. THE POST MASTER GENERAL,
DR. AMBEDKAR VEEDHI,
BENGALURU 560 001.

...PETITIONERS

(BY SRI.MANOJ KUMAR SWAMY, ADVOCATE FOR
SRI.UNNIKRISHNAN M, ADVOCATE)

AND:

SHRI P N KRISHNA
S/O LATE SHRI NARASIMHAIAH
NO.199,II CROSS,8TH MAIN, 1ST BLOCK,
EAST JAYANAGAR,
BENGALURU 560 011.
REPRESENTED BY HIS LEGAL HEIRS

1. SMT. MEENAKSHAMMA NAGALAKSHMI
W/O LATE P N KRISHNA

Digitally
signed by
MALA K N
Location:
High Court
of Karnataka



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RESIDING AT NO. 798/1 & 2,
NARASIMAHA KRUPA, S K NATARAJ LAYOUT,
KOTHANUR MAINROAD,
JP NAGAR 8TH PHASE,
BENGALURU 560 078.

2. SRI. P K SEETHARAM,
S/O LATE P N KRISHNA,
RESIDING AT NO. 798/1 & 2,
NARASIMAHA KRUPA, S K NATARAJ LAYOUT,
KOTHANUR MAINROAD,
JP NAGAR 8TH PHASE,
BENGALURU 560 078.
3. SMT. NAGALAKSHMI P K
D/O LATE P N KRISHNA
RESIDING AT NO. 798/1 & 2,
NARASIMAHA KRUPA,
S K NATARAJ LAYOUT,
KOTHANUR MAINROAD,
JP NAGAR 8TH PHASE,
BENGALURU 560 078.

...RESPONDENTS

(BY SRI.SUNIL S. NARAYAN, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT OF CERTIORARI OR SUCH OTHER WRIT/S QUASHING THE IMPUGNED ORDER DTED 19.01.2024 IN REVISION PETITION No. 2889/2011 PASSED BY THE NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION, NEW DELHI, i.e., ANNEXURE-A AND B) ISSUE A WRIT OF CERTIORARI OR SUCH OTHER WRIT/s QUASHING THE IMPUGNED ORDER DATED 27.06.2007 IN APPEAL No. 680/2006 PASSED BY THE KARNATAKA STATE CONSUMER REDRESSAL COMMISSION, i.e. ANNEXURE-B AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN B GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



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CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL ORDER

(PER: HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN)

**Public Trust Cannot Be Lost in Postal
Administration.**

"An ordinary citizen should not be made to run from pillar to post to realise money legitimately due to him. A public institution entrusted with the confidence of the people must act with diligence, fairness and accountability; otherwise, every such lapse erodes the very confidence upon which public administration rests."

The parties are referred to as per their original ranking.

2. The complainant, Sri P.N. Krishna, approached the District Consumer Forum, Bangalore, alleging deficiency in service on the part of the Postal authorities in relation to



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five National Savings Certificates bearing Nos. 378451 to 378455. According to the complainant, the said National Savings Certificates had originally been purchased by Smt.B.Sharadamba and Sri B.S. Vishveswaraiah and were subsequently transferred in his favour by executing the requisite person-to-person transfer applications in Form NC-34. He stated that he had approached the Post Master of the Banashankari Post Office on 25.05.1998 and submitted the necessary application seeking transfer of the certificates to his name. As no action was taken, he addressed further representations to the Senior Superintendent of Post Offices and thereafter to the Post Master General. He further stated that, on 27.04.2000, he handed over the original National Savings Certificates to the Postal authorities to facilitate the enquiry, transfer of the certificates in his favour and payment of the maturity amount.

3. The Postal authorities resisted the complaint. Their case, in substance, was that the certificates had already



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been transferred in favour of other persons and that the amounts covered by the certificates had been encashed by such persons. The Postal Department relied upon the departmental records and the enquiry conducted into the alleged irregularities in the discharge of certificates at Vidyapeeta Sub Post Office. The District Forum, by order dated 09.06.2003, dismissed the complaint on the ground that the matter involved complicated questions of law which, according to the Forum, could not properly be adjudicated in the consumer proceedings. Aggrieved by the said order, the complainant preferred Appeal No.737/2003 before the Karnataka State Consumer Disputes Redressal Commission. The State Commission allowed the appeal and remanded the matter to the District Forum for fresh consideration. On remand, the District Forum once again dismissed the complaint by order dated 07.02.2006.

4. The subsequent appellate record shows that the complainant did not accept the dismissal of his complaint



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and again approached the State Commission in Appeal No.680/2006. On examining the original records, the State Commission found that the original National Savings Certificates were with the complainant and that the Postal Department had permitted transfer of the certificates in favour of third parties without obtaining the original certificates or making the necessary endorsement thereon. The State Commission accordingly held that the Postal Department had been negligent in dealing with the certificates and that such negligence amounted to deficiency in service. The State Commission therefore set aside the order of the District Forum and directed the Postal authorities to pay the maturity value of the five National Savings Certificates with interest and costs.

5. The Postal authorities thereafter carried the matter in Revision Petition No.2889/2011 before the National Consumer Disputes Redressal Commission. The National Commission found no ground to interfere with the well-reasoned order of the State Commission. It observed



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that, when the original certificates were in the possession of the complainant, any alleged transfer or payment in favour of a third person, without obtaining the original certificates and making the appropriate endorsement, could not defeat the complainant's claim. The National Commission further noticed that the Postal Department itself had acknowledged that the original certificates were required to be surrendered before fresh certificates could be issued. It therefore held that the negligence of the Postal authorities constituted deficiency in service and dismissed the Revision Petition, while modifying the rate of interest. Thus, the ultimate conclusion in favour of the complainant was founded upon the failure of the Postal Department to follow the prescribed procedure and its inability to satisfactorily explain the transfer and payment of the certificates despite the original certificates remaining with the complainant.

6. Aggrieved by the aforesaid order passed by the National Consumer Disputes Redressal Commission, the



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petitioners have preferred the present writ petition, urging the following grounds:

7. The petitioners contend that the learned State Commission as well as the National Commission failed to appreciate the serious dispute regarding the identity and transfer of the National Savings Certificates. According to the petitioners, the respondent had initially referred to one set of certificate numbers while seeking transfer, whereas the certificates subsequently produced by him bore different numbers. It is therefore contended that the very basis of the respondent's claim was disputed and that there were serious questions as to whether the certificates relied upon by him were the same certificates which had originally been held by the alleged transferors. The petitioners further contend that the respondent had not mentioned the certificate numbers in his application for transfer and that, by the time his application was made, the original certificates had already been transferred in favour of four other beneficiaries. It is their specific case



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that the respondent had, in collusion with the then Sub-Post Master, Mr. M.K. Prabhakar, subsequently submitted the Form NC-34 application so as to create an appearance that the original holders had transferred the certificates in his favour. The petitioners therefore contend that these disputed questions of fact, involving allegations of fraud, collusion and manipulation of official records, could not have been conclusively decided in summary consumer proceedings.

8. The petitioners further contend that the National Commission erred in holding the Postal Department liable for the acts of its employee, particularly when the employee had acted in breach of the prescribed procedure and had subsequently been subjected to disciplinary action and compulsorily retired. According to the petitioners, the alleged misconduct of the employee was not an act done in the legitimate discharge of his official duties, but an illegal act allegedly committed in collusion with the respondent himself; consequently, the



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respondent could not claim the benefit of the principle governing liability of an employer for the acts of an employee. It is also urged that the respondent could not be treated as a consumer in the strict sense, since the issuance of a National Savings Certificate involved a statutory scheme and not a contractual service for consideration in the ordinary sense. The petitioners further contend that the consumer fora failed to properly consider that the amount payable under the impugned orders would have to be met from public funds, and that the award of interest was made without assigning adequate reasons. On these grounds, it is contended that the orders of the State Commission and the National Commission are legally unsustainable, suffer from non-appreciation of the material facts and are liable to be set aside.

9. We have heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent and have carefully perused the records



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of the case. The only point that arises for our consideration is,

"Whether the order passed by the National Consumer Disputes Redressal Commission, and Karnataka State Consumer Disputes Redressal Commission, Bengaluru, suffers from any illegality or infirmity warranting interference by this Court?"

10. Having heard the learned counsel for the petitioners and the respondent and having carefully perused the orders passed by the District Forum, the Karnataka State Consumer Disputes Redressal Commission and the National Consumer Disputes Redressal Commission, we find no ground to interfere with the concurrent findings recorded by the consumer fora. The State Commission, after calling for and examining the original records, has recorded a categorical finding that the original National Savings Certificates were in the possession of the respondent. It was also noticed that the certificates had been transferred in favour of third parties without obtaining the original certificates and without making the necessary endorsement thereon. The National



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Commission has re-examined the said aspect and has rightly found that the petitioners have not been able to demonstrate any error in the reasoning of the State Commission warranting interference in revision.

11. The principal contention of the petitioners is that the respondent had colluded with the concerned employee of the Postal Department and that the certificates were fraudulently transferred in his favour. We are, however, unable to accept this contention in the absence of any cogent material establishing such collusion. The fact that the concerned employee was subsequently proceeded against departmentally and compulsorily retired may establish that irregularities had occurred in the Post Office, but by itself it cannot be treated as proof of collusion between the employee and the respondent. More importantly, the Postal Department's own communication dated 09.05.2000 makes it clear that the original NSCs were required to be surrendered before fresh certificates could be issued. The failure of the Department to follow its



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own prescribed procedure cannot be placed at the respondent's door, particularly when the original certificates continued to remain with him.

12. The contention that the acts of the concerned employee were wholly outside the scope of his employment and, therefore, the Postal Department cannot be held responsible, also cannot be accepted. The employee was admittedly functioning in the Post Office and the disputed transactions were carried out in the course of the work entrusted to him. The fact that the employee acted dishonestly or in violation of the prescribed procedure does not, by itself, absolve the Department of its responsibility towards a person who has suffered on account of such acts. The National Commission has rightly applied the principle laid down by the Hon'ble Supreme Court that the Post Office functions through its employees and that fraudulent or wrongful acts committed by an employee in the course of his employment cannot be used by the Department as a defence against the claim



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of the person who has suffered the loss. The Department may proceed against the erring employee and recover the loss, if permissible in law, but that does not extinguish its liability towards the complainant.

13. We are also not persuaded by the contention that the respondent could not be regarded as a consumer or that the award of interest was without justification. These contentions were considered by the consumer fora and do not disclose any jurisdictional error warranting exercise of the extraordinary jurisdiction of this Court. The National Commission has already considered the grounds urged by the petitioners and while upholding the order of the State Commission, has reduced the rate of interest from 12% to 9% per annum. The findings recorded by the consumer fora are based upon appreciation of the material available on record and no perversity or patent illegality is demonstrated. In exercise of writ jurisdiction, this Court would not substitute its own view merely because another



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view may be possible. Consequently, we find no merit in the writ petition and the same is liable to be **dismissed**.

14. It is indeed a matter of serious concern that the respondent, in whose favour the National Savings Certificates were sought to be transferred as far back as in the year 1998, has been compelled to run from pillar to post for no fault of his own, merely to secure transfer of the certificates and realise the money legitimately due to him. The Postal Department, being a public institution entrusted with the confidence of the ordinary citizen, is expected to discharge its duties with greater responsibility, diligence and accountability. The respondent ought not to have been made to undergo prolonged correspondence and litigation for securing what he claims to be his legitimate entitlement. The manner in which the matter has been dealt with by the Postal Department is, therefore, a matter of considerable concern to this Court.



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15. What is even more disturbing is that the amount involved is a sum of **Rs.1,62,034/-**, and yet the respondent had to pursue the matter for years before the consumer fora and thereafter before this Court. The record further reveals that, during the pendency of the litigation, the original complainant unfortunately passed away and his legal representatives have been brought on record. A citizen should not be required to spend the prime years of his life pursuing a public authority for recovery of his own legitimate dues. We were, therefore, inclined to dismiss the present petition with exemplary costs. However, having regard to the overall facts and circumstances of the case, we refrain from imposing costs and deem it appropriate to **express our strong displeasure with the manner in which the Postal Department has dealt with the matter.**

16. The Postal Department must ensure that such instances do not recur in future. Any lapse on the part of its officials in dealing with the savings and certificates of



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members of the public has the potential to seriously undermine the confidence reposed by the public in the Department. If such conduct is permitted to continue, the confidence of the ordinary citizen in the functioning of the Postal Department is bound to diminish. The Department, therefore, would do well to ensure that its officers strictly adhere to the prescribed procedures and that genuine claims of members of the public are dealt with promptly, fairly and in accordance with law.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

KNM
List No.: 1 Sl No.: 28