IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18643 of 2010

==

Prabhat Prakashan through its Secretary K.C. Philip S/O Chacko Kavunkal, resident of Xavier Institute of Social Research, P.S. Digha, Distt. Patna

.... Petitioner

Versus

1. Union of India through the Post Master General, Bihar, Patna.
2. Post Master General. Bihar Circle, Patna
3. Senior Superintendent, Patna Potal Division, Bankipore, Patna
4. Post Master, Makhdumpur Post Office, Patna

.... Respondent/s

==

Appearance :

For the Petitioner/s : Mr. K.M.Joseph, Adv.

For the Respondent/s : Mr. S.D. Sanjay, ASGI

==

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-08-2015

Heard learned counsel for the petitioner and the respondents.

2. The present writ petition has been filed for setting aside the direction issued by the Office of the Post Master General, Patna rejecting the proposal for regularizing the 6 years National Savings Certificate (hereinafter referred to 'N.S.C.') issued to the petitioner in the year 2003 communicated through letter dated 20.08.2010 from the Senior Superintendent of Post Office and consequently to direct payment of the maturity proceeds of the N.S.C. together with interest.

3. It is submitted that the petitioner is a registered charitable society engaged in publication and propagation of literatures in the form of books on moral science and religion aimed especially at the youth. It appears that in the year 2003 the society invested Rs. 60,000/- in the form of 6 N.S.C.s of Rs.

10,000/- each for which the relevant certificates were issued to it on 31.12.2003 by the Post Master, Makhdumpur, Digha Post Office. The aggregate maturity value of the N.S.C.s on 31.12.2009 was Rs. 96,060/- on the expiry of the 6 years.

4. The petitioner approached the concerned Post Office on 08.01.2010 for obtaining the maturity proceeds of the N.S.C. which was however declined on the footing that with effect from 01.04.1995, N.S.C.s issued in favour of institutions were not eligible for being regularized.

5. It is submitted on behalf of the petitioner however that having accepted the investment from the petitioner and having allowed the same to remain invested for the entire duration until their maturity on 31.12.2009, the respondents cannot now turn around and refuse payment of the maturity amount in respect of N.S.C.s. If the petitioner was not eligible for the investment, the amount in question ought not to have been received by the Post Office or at best the same ought to have been returned to the petitioner without delay.

6. Learned Additional Solicitor General of India appearing on behalf of the respondents on the other hand submits that the authorities have rightly refused to regularize the N.S.C.s in view of executive instructions in the form of D.G. Posts Letter No. 61-11/95-SB dated 09.03.1995. The petitioner on its own saying is a registered charitable society and thus an institution not eligible to have made the investments.

7. Heard the rival submissions of the parties. It is not in dispute that the petitioner made the investment of Rs.

60,000/- on 31.12.2003 in respect of which 6 N.S.C.s of Rs. 10,000/- each were issued to it. The entire amount remained invested without objection from the respondents. Neither any step was taken to intimate the petitioner about any irregularity in the issuance of the N.S.C.s nor were the same cancelled, and the amount was allowed to be retained in its coffers throughout upto the date of maturity of the investment. Notably, the N.S.C.s have been issued in the name of the Secretary, Prabhat Prakashan and thus it was well known at the time of their issue itself, that these were being invested in by a charitable society.

8. Strictly speaking, however, the action of the respondents in refusing to regularize the N.S.C.s in the light of the aforesaid instruction dated 09.03.1995 cannot be faulted.

9. This Court is therefore of the view that the ends of justice would be met in the special facts and circumstances of the present case if the respondents are directed to refund the original investment of Rs. 60,000/- to the petitioner together with simple interest thereon calculated @ 9% per annum with effect from 01.01.2004 till the date of actual payment.

10. Ordered accordingly. The writ petition stands disposed.

(Vikash Jain, J)

Md. Ibrarul/-

U			