IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

BENCH AT AURANGABAD

WRIT PETITION NO.2198 OF 2007

Nimba s/o Supdu Sonar,
Age 73 years, Occ. Small Saving Agent
and President of Jalgaon Zilla Mahila
Pradhan and Alpabachat Pratinidhi Sanghtana,
R/o 6, Ishwar Colony,
Old Mehrun Road, Jalgaon,
District Jalgaon 425 001 ... PETITIONER

VERSUS

1. The State of Maharashtra
through the Secretary,
Revenue and Finance Department,
Mantralaya, Mumbai

2. The Commissioner,
Maharashtra State Small Saving and
State Lottery, Mantralaya,
Mumbai.

3. The Divisional Deputy Director,
Small Saving Scheme,
Nashik Region, Nashik

4. The Assistant Director,
Small Saving Jalgaon,
District Jalgaon. ... RESPONDENTS

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Shri V.D. Hon, Senior Counsel for petitioner
Shri S.G. Sangle, A.G.P. for State

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CORAM: S.V. GANGAPURWALA AND A.I.S. CHEEMA, JJ.

DATED: 31st March, 2015.

ORAL JUDGMENT (Per S.V. Gangapurwala, J.):

1. Mr. Hon, learned Senior Counsel for the petitioner submits that, the petition is filed by the Association. According to the learned Senior Counsel, at the relevant time, the receipt books were not available and so, letter was given that if receipt book is not available, the acknowledgements can be made by issuing certificates. The learned senior counsel submits that, the petitioner and other members of Association are collecting small saving amounts from the citizens and deposit the same with the Postal Department. The said activities are done on the basis of commission and incentives at the rate of Rs.0.50 ps. The State Government has issued notification at belated stage for the financial year 2004-2005. It is stated that to claim the incentives, the claim should be accompanied by authorised agents receipt book. There were shortage of receipt books as they were not printed as per the requirement. Time and again it

was communicated that the receipts books are not available and agents can continue to deposit collection with Post and obtain certificate to that effect. The authorities of the Government has made it clear that the incentives cannot be denied only on the ground that the receipt books were not issued as per the authorised agents receipt books. Mr. Hon, learned Senior Counsel further submits that, the Deputy Director of Small Saving informed that, on account of shortage of receipt books, the claim for incentives can be considered on the basis of the certificate issued by the competent authority. The representation has been made by the petitioner/ association. The Commissioner of Small Savings and State Lottery has informed that the claim would be considered where there is only receipt book. According to the learned senior counsel, the action of the authorities in denying the incentives claim to the petitioner and other agents on the basis of certificate issued by the competent authority is not justifiable.

2. The learned A.G.P. submits that, the petitioner Nimba Supdu Sonar is agent attached to Jalgaon Head Post Office. Jalgaon Head Post Office is supplied with 2750 receipt books during 2004-2005. It has been noticed that receipt books were

available with the Jalgaon Head Post Office, but the petitioner has not taken the same from the Post Office. During the relevant period, one Smt. Asha Chirmade, agent from same Jalgaon Head Post Office has made investments of Rs.66,41,500/- and had issued valid receipts using receipt books throughout the year. Other six agents from the same Jalgaon Head Post Office also used the receipt books throughout the year and invested money as per rules. It was noticed that some of the agents have submitted investment certificate for incentive purpose by manipulating and increasing amount. The same is to the tune of Rs.1,36,87,000/-. Even F.I.R. is lodged against one agent Smt. Suvarna Bendre. The respondents nowhere denied the incentive claim only on the ground that the receipt is not from the receipt book in case the receipt books were not available. False certificates have been issued many times regarding non availability of receipt books by the Postal authorities. Only agents who produced wrong and false certificate from the post office, their claims were rejected.

3. We have considered the submissions canvassed by the learned Senior Counsel for the petitioner and the learned A.G.P. It appears that, the receipt books were compulsory for

the lawful claims of the agents. The receipt books were required to be used by the agents as per the agreement. It is stated in the affidavit that for 25 years up to April 2002, no agent in Maharashtra has claimed commission or incentive without receipt book. Different illustrations are given in the affidavit-in-reply about how the incentive claims are manipulated by submitting false certificates. Even statistics of issuing receipt books to the Post Office have been given and how some of the agents for the whole year have used the receipts from the receipt books.

4. Considering the affidavit-in-reply filed and the case put forth, the claim of the petitioner cannot be considered. In light of the above, the writ petition is dismissed. Rule discharged. No costs.

(A.I.S. CHEEMA, J.) (S.V. GANGAPURWALA, J.)