

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.288 of 2016

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1. Mithlesh Devi, W/o Radhe Pandit
 2. Amerika Devi, W/o Ram Kumar Pandit Both Resident of Village-
Deoragarhi, P.O. Gamharia, P.S.+Block- Naokothi, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar, through Secretary, Bihar, Patna
2. The Union of India through Secretary
3. Post Master General through Northern Region, Muzaffarpur, Bihar.
4. Secretary, Rural Development Department, Bihar, Patna
5. District Magistrate, Begusarai.
6. Deputy Development Commissioner, Begusarai.
7. Superintendent of Post Offices, Begusarai Division, Begusarai.
8. Post Master, Begusarai Head Office, Begusarai.
9. Block Development Officer, Naokothi, Begusarai.
10. Panchayat Secretary, Block Naokothi, Begusarai.
11. Post Master, Branch Office- Gamharia, Naokothi, Begusarai.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Vinod Gautam, Advocate
For the State : Mr. Manikant Mishra, GP-25
Mr. Rajesh Kumar Sinha, AC to GP-25
For the Union of India : Mr. Shyam Bihari Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 10-02-2016 Heard the parties.

The petitioners are persons living below the poverty line in the district of Begusarai and had been granted privilege under the Indira Awas Yojana but unfortunately the money so released for payment in their favour after being withdrawn by the Postmaster from the bank, did not reach them rather was robbed from him.

Mr. Rajesh Kumar Sinha, learned Assisting Counsel to



G.P. 25 informs about a peculiar system of payment under the Scheme which was invoked in the year 2009 and whereunder the total amount earmarked in favour of the members found entitled to the benefit of Indira Awas Scheme, was drawn in favour of the Postmaster concerned and who in turn would withdraw the amount from the bank for its onward payment to the beneficiaries. Insofar as the case of the petitioners is concerned, a bare perusal of the order of the Block Development Officer dated 03.8.2009 addressed to the Branch Postmaster, Gamharia manifests that a sum of Rs. 4,80,000/- was released for payment to 20 beneficiaries @ Rs. 4,000/- per head vide cheque no. 573530 dated 03.8.2009. The list of the beneficiaries is enclosed with the letter and the name of these writ petitioners appears at serial nos. 20 and 19 respectively. The pleadings on record transpires that the Postmaster went to withdraw the money from the Bank and while on his return, the money was robbed by some persons giving rise to Khagaria P.S. Case No. 150 of 2009. Copy of the FIR is placed at Annexure-2. The result is that the benefit never reached the petitioners who are making rounds of the Block Development Officer, Naokothi, Begusarai and the Deputy Development Commissioner, Begusarai for their payment but which continues to evade them and hence this writ petition.



A counter affidavit has been filed on behalf of the Deputy Development Commissioner and the only stand taken is that negotiations are on with the Postmaster General for refund of the amount so robbed but there is nothing to provide relief to the petitioners.

I fail to understand that when admittedly the benefit has not reached the beneficiaries how the sanction accorded to them for grant of benefit under the Indira Awas Yojana would remain in a limbo pending realization of the robbed amount. The inconclusive negotiations between the Deputy Development Commissioner and the Postmaster General, cannot justify the delay nor can deny the right vested in the petitioners for grant of benefit.

It is stated at the bar that the controversy pending resolution in the present case, the quantum of benefit under the Scheme has been enhanced. In my opinion since the delay is entirely attributable to the respondent authorities to ensure that the payments reach the beneficiaries and somewhere in between the Postal Department also shares a responsibility, the beneficiaries cannot be allowed to suffer. The delay so caused would in fact now go to the advantage of these petitioners and should they apply to the Deputy Development Commissioner for grant of benefits

under the present scheme it has to be considered and disposed of in accordance with law within three months from the date of receipt / production of a copy of this order notwithstanding the earlier sanction which never reached the petitioners. The robbery and the recovery of the money robbed is an issue purely in between the State and the Union and they have to sort out the same amongst themselves but certainly the beneficiaries cannot suffer.

The writ petition is disposed of with the directions aforementioned.

(Jyoti Saran, J)

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