



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.20357 of 2016

and

W.M.P(MD)No.14558 of 2016

Y.Arockiasamy

... Petitioner

Vs.

1.The Post Master General,
Madurai Region,
B.B.Kulam,
Madurai District.

2.The Superintendent of Post Office,
Dindigul Head Post Office,
Dindigul District.

3.Sivaperumal

... Respondents

(R - 3 is suo-motu impleaded
vide order,dated 30.11.2016)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for records relating to the impugned order passed by the second respondent in No.F1/13/13-14/C1/283712/287276, dated 12.08.2016 at Dindigul and quash the same as illegal and consequently direct the respondents to disburse the amount deposited by the petitioner in Account Nos.283712 and 287276 at Sub Post office, Sirunayakenpatty.

For Petitioner

: Mr.A.Arul Jenifer

For RR 1 & 2

: Mr.N.Shanmugaselvam

Central Government Standing Counsel

For R - 3

: Mr.K.Ashok Kumar Ram

ORDER

The present Writ Petition has been filed seeking a direction to disburse the amount deposited by the petitioner in the second respondent-Post Office.



2. According to the petitioner, the petitioner along with 169 depositors deposited their savings money in the second respondent-Post Office. Now, the third respondent impleaded as party respondent herein was working as a Branch Post Master, has misappropriated the money and a criminal case is also pending against the third respondent. When the petitioner approached the second respondent-Post Office to return the money, they are refusing to do so stating that now the enquiry is pending against the third respondent. Till the enquiry is completed, there are not in a position to pay the money.

3. In the above circumstances, on 07.11.2016, this Court directed the second respondent to appear before this Court on 21.11.2016.

4. On 21.11.2016, the second respondent appeared before this Court and submitted that since the third respondent is not co-operating with the enquiry, they are not in a position to complete the enquiry enabling them to return the money. In the above circumstances, the third respondent was *suo-motu* impleaded as third respondent and notice was also ordered.

5. Today, the learned counsel appearing for the third respondent submitted that the third respondent is ready and willing to co-operate with the enquiry.

6. In the above circumstances, the third respondent is directed to appear before the second respondent from 06th December, 2016 till the enquiry is completed and the second respondent is also directed to complete the enquiry and pass orders on or before 06.01.2017. If the third respondent failed to co-operate with the enquiry, the Inspector of Police, District Crime Branch, Dindigul District is directed to file a petition to cancel the bail granted to the third respondent before the criminal Court.

7. With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (Cr1.side)

/True copy/



To

1.The Post Master General,
Madurai Region, B.B.Kulam, Madurai District.

2.The Superintendent of Post Office,
Dindigul Head Post Office, Dindigul District.

+1 cc to M/s.K.Ashok Kumar Ram, Advocate in SR.No.79231

+1 cc to M/s.A.Arul Jenifar, Advocate in SR.No.79804

+1 cc to M/s.N.Shanmugaselvam, Advocate in SR.No.79190

PS

CSL/PV/20.12.2016 :3P/6C

W.P (MD) No.20357 of 2016
02.12.2016