

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1979 of 2016

In
Civil Writ Jurisdiction Case No.10346 of 2014

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1. The Union of India through the Postmaster General, Bihar, Patna.
 2. Senior Superintendent of Post Offices, Saran.
 3. Senior Superintendent of Post Offices, Siwan Division, Siwan.
 4. The Post Master, Head office, Gopalganj.

... .. Appellants

Versus

Manju Lata Tiwari wife of Late Satish Chandra Tiwari resident of village -
Barvabrit, Post Nechua Jalalpur, P.S. Kuchaikot, District - Gopalganj

... .. Respondent

Appearance :

For the Appellants : Mr. Rajesh Kumar Verma, C.G.C.

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 15-12-2017

The Union of India, which claims that it wants to have a user friendly governance and make life easy for the common man, is fighting a legal battle against a widow who wants refund of the money deposited in the savings account with the post office deposited by her late husband.

Unfortunately, the husband of the private respondent died on 18.01.2013 and he did not have the foresight of either making it a joint account or declare the wife as the nominee. When a demand or claim was made by the wife, all kinds of rules were quoted as to



why she will not be entitled to payment or refund of the money lying in the savings account of the husband.

The private respondent, therefore, decided to file a writ application seeking a direction that since there is no dispute about the status of the private respondent to be the legally wedded wife and enough material and evidence thereof was available in support thereof even with the postal department, a direction ought to be issued for release.

The counsel representing the Union of India before the learned single Judge relied on the Post Office Savings Bank Manual Volume-I to show that in absence of a nomination there was no occasion to release any amount up to Rs. One lakh or above without production of a succession certificate or a probate of a will or letter of administration.

To say the least, the Post Office Savings Bank Manual Volume-I seems to have become archaic and it requires to be revisited if not revised. There are enough official evidence available now including the so-called Aadhar Card, which is being used for large number of government dealings for measure of identification. Aadhar Card is also being used for the purposes of disbursement of funds by the Central Government to the so-called beneficiaries, why a hapless widow has to go through the



rigmarole of litigation, spend time, money and energy for years together by moving a civil Court before she can beget her rightful claim of her deposit left behind by her husband on this technicality is not appreciated by this Court.

The so-called guidelines, which is being talked about i.e. the Post Office Savings Bank Manual Volume-I, is only directive and the same cannot be used for unnecessary harassment of a bonafide depositor or a legal heir.

In fact, the Court fails to appreciate as to why the learned single Judge confined the relief to release of the deposit lying with the post office only to the extent of Rs. One lakh when the Court was satisfied as to the bonafide and legal status of the private respondent to be the legally married wife of late Satish Chandra Tiwari.

The appeal is required to be dismissed. However, the order of the learned single Judge is modified that the entire amount lying in the post office savings account of late Satish Chandra Tiwari, being Savings Account No.52437, should now be released in favour of Manju Lata Tiwari with statutory interest up-till the date of payment which the savings deposit in the account carries within a period of four weeks from today.

The appeal is otherwise dismissed.



A delay of one year and 264 days, however, is condoned since the matter is decided on merits.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	N.A.F.R.
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