

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-12711-2017 (O&M)
Date of decision : 13.09.2018

Rajender Kumar

...Petitioner(s)

Versus

Union of India and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner(s).

Mr. Namit Kumar, Advocate for the respondents.

JITENDRA CHAUHAN, J. (Oral)

The instant petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of Certiorari for quashing impugned order dated 27.03.2017 (Annexure P-6), declining the request of the petitioner for release of amount of maturity of recurring deposit account of his son.

On 01.06.2017, this Court observed as under:-

“The petitioner is aggrieved by order dated 27.3.2017 (Annexure P6) issued by Superintendent Post Office, Sonapat Circle declining the request of the petitioner for release of payment from the account of his son, who is incapable of getting the maturity amount in the garb of provisions of Rule 88 of POSB Manual-I.

I have considered the facts and circumstances of the case and gone through the above said rule. The

abovesaid rule reads as follows:-

“ 88. When an application is made for withdrawal on behalf of a depositor, who has become insane or incapable of managing his own affairs, the applicant should be required to produce any authority he may possess as guardian of the depositor or manager of the estate. If any such authority is produced, an enquiry should be made and a report sent to the Head of the Circle. In either case order from the Head of the Circle should be awaited by the Postmaster.

On receipt of the order from the head of the circle, a suitable remark should be made in the ledger card. In case the account at a sub or branch office, a copy of the order of the Head of the Circle should be sent by the Head office for suitable note to be kept by the office where the account stands open.

***Note:-** In case where authority has been obtained from a competent Court of Law, the Head Postmaster will be competent to decide the case.”*

On perusal of the above said rule, this Court is satisfied that the petitioner is entitled to get the amount released on behalf of his son in case he is given an authority by the Court. In said situation, the Head Postmaster has been given an authority to decide the case.

Notice of motion for 30.8.2017.

Meanwhile, a direction is issued that the petitioner is granted authority by this Court to seek release of the maturity amount from the Head Postmaster in order to treat his son for the head injury received by him in the accident, subject to the final decision of the writ petition.”

There is no assistance on behalf of the petitioner.

Learned counsel for the respondents submits that in pursuance

of order dated 01.06.2017 passed by this Court, maturity amount to the tune of Rs.74,847/- stands released in favour of the petitioner vide cheque No.388431 dated 25.07.2017.

In this view of the matter, the instant petition has been rendered infructuous and is disposed of as such.

However, as the amount has been released in pursuance of the directions of this Court, the same may not be treated as a precedent.

13.09.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No