IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

228 **CWP-25590-2015 (O&M)**
Date of Decision: 29.1.2018

ASEEM TAKYAR ....Petitioner.

Versus

STATE OF HARYANA & ORS **...**Respondents.

CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Rajpal Singh, Advocate for
Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

Mr. Namit Kumar, Advocate
for respondents No.2 and 3.

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AJAY KUMAR MITTAL, J. (Oral)

The petitioner claiming to be a public spirited person has filed the present petition as public interest litigation under Articles 226/227 of the Constitution of India for issuance of writ of certiorari, mandamus directing respondents to restart the selling of revenue stamps through post offices in the State of Haryana.

2. According to the averments made in the writ petition, it has been claimed that earlier the revenue stamps were being sold in the State of Haryana through the post offices which are situated in and around the vicinity of locality, towns of our country and the persons living within the territory of

Haryana purchase the revenue stamps through post offices on commission basis to be paid by the State of Haryana to the Postal Department which continued till 2004. It has been stated that thereafter it was discontinued and was again given to the Postal department when they had agreed to sell the same at the rate of 3% commission.

3. It has further been averred that the matter was taken up with the Postal Department where they were requested to sell revenue stamps on 3% commission to be paid to the State of Haryana. However, this proposal was not agreed to by the Postal Department. However, sale of the revenue stamps through post offices was discontinued instead it was given to Stamp Vendors sitting at District Courts and Tehsil offices.

4. On the aforesaid premises, the present petition had been preferred.

5. Written statement on behalf of respondent No.1 has been filed wherein it has been inter alia stated that prior to 1958, the revenue stamps were sold by the Stamp Vendors to whom 3% commission was being paid as per Rule 34 of the Punjab Stamp Rules, 1934. The work of sale of revenue stamps was given to the post offices vide Punjab Government Notification No.GSR 243/CA 2/1899/S/Amd (1)/66, dated the 3rd October, 1966 without any remuneration. It was a symbiotic

relationship benefitting the Revenue Department as well as the Post and Telegraph Department. The Post and Telegraph Department vide D.O. letter dated 17.08.2001 intimated to the State that it was not possible for the Department of Posts to continue to provide service of selling revenue stamps without 10% remuneration and in case, State does not pay the commission, the sale of revenue stamps through the Post offices in the State of Haryana will be discontinued after 01.01.2002. A copy of the said communication dated 17.08.2011 has been appended as Annexure R-1 with the reply.

6. Thereafter, the Chief Postmaster General, Haryana Circle, Ambala vide demi-officially letter on 24.12.2001 requested the Postal Department to give some more time. The State had requested the Postal Department to continue selling revenue stamps through post offices without charging any commission. However, the request was not acceded to. Accordingly, the Postal Department discontinued the sale of revenue stamps through the post offices in the State of Haryana. It was in these circumstances, the State Government decided to sell the revenue stamps through Stamp Vendors allowing them commission at the rate of 3% amending the Punjab Stamps Rules, 1934 vide Notification dated 18.11.2005 as the Department of Posts, India was demanding commission

for the sale of revenue stamps at the rate of 10% for which the Punjab Stamp Rules, 1934 did not provide. The State Government has expressed willingness to pay 3% commission for sale of revenue stamps to be given to the post offices which is at par with the commission given to Stamp Vendors working within the State. It has also been stated in the reply that the directions are being issued by the Government to the Stamp Vendors from time to time to make available the revenue stamps so as to avoid inconvenience to the public.

7. Thus, a prayer has been made for dismissal of the writ petition.

8. A separate reply on behalf of respondents No.2 and 3 has also been filed wherein, it is, inter alia, stated that charging commission on sale of revenue stamps was discussed in the sixth meeting of the Standing Committee of State Secretaries of Stamps and Registration held on 31.10.2003 in National Institute of Public Finance and Policy New Delhi under the Chairmanship of Sh. Satish Chandra, Additional Secretary, Department of Revenue and Chairman of the Standing Committee. Further, upon deliberations, it took the view that Department of Posts may set the rates of commission at 3%, 6% and 10% and the State Government may exercise their right to use or not to use the channel provided by the Department of Posts. However, the Government of Haryana

vide letter dated 06.02.2006 (Annexure R-2/3) refused to pay commission stating that there is no justification of commission to the Postal Department as State Government has given no such undertaking.

9. After hearing learned counsel for the parties and perusing the entire record of the case, we do not find any justification in the claim made by the petitioner that the sale of revenue stamps can be made only through post offices in the State of Haryana. As noticed above and after taking into consideration that Stamp Vendors are accepting 3% commission for selling the revenue stamps whereas the Postal Department is not reducing the commission below 10%, it cannot be forced upon the respondents to sell the revenue stamps only through the post offices. It is for the State of Haryana to examine and decide viability of selling revenue stamps through whatever channel keeping in view the totality of facts and circumstances in focus.

10. Accordingly, finding no merit in the writ petition, the same stands dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

29.01.2018
SwarnjitS

Whether speaking/reasoned : YES
Whether reportable : YES