GAHC010130302017

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3205/2017

DEBOJIT KR. SARMAH
S/O- LATE GUNJANATH SARMAH, TARAJAN BRAHMIN GAON, OPP. NAMGHAR, P.O- JORHAT-1, ASSAM

VERSUS

THE UNION OF INDIA and 2 ORS.
REP. BY THE CHIEF POST MASTER GENERAL, ASSAM CIRCLE, MEGHDOOT BHAWAN, GUWAHATI-1

2:THE SUPERINTENDENT OF POST OFFICE
JORHAT DIVISION
JORHAT-1

3:THE POST MASTER
JORHAT HEAD POST OFFICE
JORHAT-

Advocate for the Petitioner : MRS.S SULTANA

Advocate for the Respondent : MR.Y DOLOIR- 1-3

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

Date : 04-12-2020

Heard Shri H Rahman, learned Senior Counsel for the petitioner. Also heard Shri Y

Doloi, learned CGC appearing for the Postal Department.

Considering the subject matter in dispute and also the fact that the case is pending since the year 2017, the same is taken up for disposal at the admission stage.

The petitioner is aggrieved by the action of the respondents in not settling the claim lodged on the death of the sister of the petitioner, Jyotsna Devi in whose name certain Kisan Vikas Patra (KVP for short), RD and SB accounts were there with the Jorhat Head Post Office. It is the case of the petitioner that during her life time, Lt. Jyotsna Devi had purchased certain KVP. She was also an account holder of RD Account No.108936 and SB Account No.330405. However, unfortunately, the sister of the petitioner had passed away on 12.01.2010 leaving behind the petitioner as the legal heir and these facts are not in dispute. After the death of his sister, the petitioner had submitted the death certificate along with other documents to the concerned Post Master, which was duly acknowledged. However, the amount in question was not settled.

Hence, the present writ petition.

Shri Rahman, learned counsel for the petitioner submits that the facts, including the status of the petitioner not being matters of dispute, the action of the postal authorities in not settling the claim is absolutely unreasonable and hit by Article 14 of the Constitution of India. He, further submits that no discernible reasons have been cited for such refusal.

On the other hand, Shri Doloi, learned counsel representing the Postal Department by referring to the affidavit-in-opposition filed on 12.07.2017, more specifically the pleadings made in paragraph 11 has submitted that to settle the claim, the original documents are necessary, which however, have not been given by the petitioner after it was returned once. The learned counsel fairly submits that if the copies of the documents are furnished to the authorities, the claim would be settled within any time bound frame.

Rejoining his submissions, Shri Rahman, learned Senior Counsel submits that at no point of time, the documents were returned to the petitioner and the same are still lying with the Postal Department.

Since a confusion had arisen regarding the custody of the documents, this Court on the earlier occasion i.e., 01.12.2020 had directed Shri Doloi to suggest a device by which the

matter can be resolved by following the concerned postal manual.

Today in the course of hearing, Shri Doloi, learned CGC has placed before this Court the Post Office Savings Bank Manual (Volume-II) and by referring to Rules 43 and 44 thereof has submitted that there is a provision to apply for duplicate certificate by following the due process of law.

In view of such provision, this writ petition is disposed of by directing that the petitioner may submit necessary application for issuance of duplicate certificate along with a missing report from the concerned police station, which has to be lodged prior to submission of such application. On receipt of such application, the postal authorities are directed to process the same and settle the claim within a period of 2 months from the date of receipt of a certified copy of this order. Petitioner is given liberty to obtain a certificate copy of this order and furnish the same before the postal authority for doing the needful.

JUDGE

Comparing Assistant