

S/L. 17.
August 24, 2022.
MNS.

WPA No. 6608 of 2022

Sujoy Dutta
Vs.
Punjab National Bank, SSI Kolkata and
others

Mr. Soumyajit Ghosal

... for the petitioner.

Mr. Pankaj Kumar Mukherjee

...for the respondent no.1-Bank.

Mr. Tushar Kanti Har

...for the Union of India.

Learned counsel appearing for the petitioner submits that despite the respondent-Bank, that is, the Punjab National Bank, having admitted that eleven National Savings Certificates (NSCs) deposited as collateral security with the Bank were lost from the custody of the Bank, the Bank has subsequently refused to cooperate with the petitioner inasmuch as issuance of duplicate NSCs by the Post Office is concerned.

Learned counsel appearing for the Bank submits that the said documents were not assigned to the Bank and, as such, there is no role for the Bank to play in the matter.

While disputing such contention, learned counsel appearing for the Postal Department contends that in terms of specimen format NC-54(b) of the Post Office Savings Bank (CBS) Manual, a bond of indemnity is required to be furnished in connection with such issuance of duplicate NSCs. Such bond contemplates, *inter alia*, the Bank's guarantee.

In the present case, as a matter of fact, none of the respondents disputes that the petitioner was the holder of the NSCs-in-question.

It transpires from the records annexed to the writ petition that eleven NSCs, whether assigned to the Bank or not, were misplaced from the custody of the Bank.

Hence, the Bank cannot shy away from its responsibility to furnish the indemnity bond as required by the prescribed procedure of the Postal Department.

Hence, WPA No. 6608 of 2022 is allowed, thereby directing the respondent no.2-Baksara Post Office, to issue duplicate NSCs in respect of the eleven certificates originally held by the petitioner, upon the petitioner executing a bond of indemnity, also signed by the designated official of the respondent no.1-Bank.

The respondent no.1-Bank shall fully cooperate with the petitioner in furnishing such indemnity bond as and when the petitioner approaches the Bank (although the petitioner has to so approach within the office hours of the Bank).

Immediately upon such bond being furnished, the Baksara Post Office, the respondent no.2 herein, shall take steps to issue the eleven duplicate NSCs in favour of the petitioner and complete such exercise as expeditiously as possible, preferably within four weeks from the petitioner making his application.

The learned Advocate appearing for the respondent no.2-Postal Department is requested to furnish a format of the required specimen to his counterparts appearing for the Bank and the petitioner during the course of the day.

The parties shall act on the written communication of the learned Advocates for the parties, accompanied by server copy of this order, without insisting upon prior production of a certified copy thereof for implementation of the same.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)