

Ct. 05
Item No.05
17.11.2022
(Suvendu)

WPA 19507 of 2022

**Sanjib Gupta
Vs.
Union of India & Ors.**

Mr. Avirup Mondal
Mrs. Ahana Ghosh Mondal
.....for the petitioner

Ms. Indrani Chakraborty
.....for the Union of India

The petitioner claims to be the sole successor in interest of his deceased wife. The petitioner, however, is unable to obtain the proceeds of a Post Office Account which was in the name of his deceased wife despite the endorsement of a nomination made by the petitioner's deceased wife. The relevant document which is a part of the writ petition shows that the petitioner's deceased wife made a nomination on the date of opening of the Account which was 22nd January, 2009. This would appear from a letter of the Sub Postmaster, Bangur Avenue Post Office dated 10th August, 2021.

The position taken on behalf of the Post Office Authorities is that the Account Opening

Card is not traceable as well as the fact that the electronic document and the Nomination Register does not contain the name of the petitioner.

The case made out by the petitioner is credible in light of a Circular issued by the Ministry of Communications dated 6th November, 2020. The Circular clearly mentions that numerous suggestions have been received to revise sanction limit prescribed for settlement of deceased claim cases where no nomination exists or no legal evidence is available.

Since the Post Office Authorities say that they have lost the relevant Account Opening Card/Form, the Post Office Authorities should bear the burden of proving as to whether the petitioner was mentioned as nominee of his deceased wife in the Account Opening Form.

WPA 19507 of 2022 is disposed of with a direction on the Post Office Authorities to find the relevant documents with regard to the petitioner's nomination within a period of three weeks from date. In the event the Post Office Authorities is unable to do so, the Post Office Authorities shall intimate the petitioner accordingly and the petitioner shall then act in accordance with Note 2 of the Circular dated 6th November, 2020. The Post Office Authorities being liable for the missing

documents, shall also pay costs of Rs. 20,000/- to the petitioner for the inconvenience caused within two weeks from today.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)