IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present :-

Hon'ble Justice Partha Sarathi Sen

W.P.A. No. 21223 (W) of 2016

Tapan Kumar Bose.

-Versus-

Union of India & Ors.

For the Petitioner : Mr. Saptarshi Chakraborty, Adv.

For the UOI : Ms. Indrani Chakraborty, Adv.

Heard on: : 11.11.2022
Judgment on. : 14 .11.2022

PARTHA SARATHI SEN, J. : –

1. By filing the instant application under Article 226 of the Constitution of India it has been contended by the writ petitioner that on 04.11.1993, he invested a sum of Rs.4,08,000/- in the office of the respondent no.4 under four separate Monthly Income Scheme (MIS) accounts. According to the petitioner after maturity he handed over the original pass books of the said four MIS accounts with respondent no.4 but to his utter surprise, the maturity value of the said four MIS accounts has not been handed over to him and on the contrary respondent no.4 proposed to deduct a sum of Rs. 1,57,000/- from the maturity value of the said four MIS accounts. Finding no other alternative the

petitioner approached this High Court and in W.P No.3324(W) of 2005 an order was passed on 15.02.2005, directing the respondents herein to release the admissible dues of the petitioner in respect of the aforesaid four MIS accounts.

2. It is contended further that subsequently in WP No.3324(W) of 2005, this High Court on 07.02.2014, directed to calculate the interest and to disburse the same to the petitioner and accordingly admissible SB interest was also paid. It has been contended further that though a sum of Rs.15,76,945/- was due to the petitioner towards principal, interest and bonus as accumulated under the said four MIS accounts but the same has not been disbursed and on the contrary under cover of a letter dated 03.07.2014, the respondent no.3 accorded sanction for payment of a sum of Rs.2,326/- in favour of the petitioner and being aggrieved by the decision as taken by the respondents under cover of the aforesaid letter the petitioner has approached this Court with a prayer for a direction upon the respondents to release a sum of Rs.15,76,945/- with a further prayer to cancel, set aside and rescind the impugned decision of the respondent no.3 under cover of his letter dated 03.07.2014.

3. It is pertinent to mention herein that at the time of call learned advocate for the petitioner asked for accommodation however, the same was not considered by the Court favourably since it is a matter of record that on prior occasions too, the petitioner had sought for adjournments on some plea or other.

4. While opposing the prayer of the petitioner, learned advocate for the respondents draws attention of this Court to the affidavit-in-opposition as filed

in this case as well as to the instruction as received by her from the respondents. It is argued on behalf of the respondents that since the aforementioned said four MIS accounts have been opened violating Rule 4 of Post Office (Monthly Income Account) Rules, 1987 (hereinafter referred to as the said 'Rule') the present writ petitioner is only entitled to get interest at the rate applicable from time to time to the post office savings account and not at the rate applicable for MIS scheme. In support of her contention learned advocate for the respondents also placed her reliance upon Rule 6, Rule 7 and Rule 8 of the said Rule. Drawing attention of this Court to the annexures R2, R3 and R4, it is argued that the aforementioned three annexeures clearly show as to how calculation has been arrived at with regard to the entitlement of the petitioner and thus the decision of the respondent authority to disburse residual interest of Rs.2,326/- in favour of the writ petitioner is very much justified. Learned advocate for the respondents thus request this Court to dismiss the instant writ application.

5. On perusal of the entire materials as placed before this Court, it appears to this Court that four MIS accounts of the petitioner have been opened irregularly violating Rule 4 of the said Rules. Sufficient materials have been placed before this Court to substantiate that in case of irregular deposit in MIS accounts the account holder(s) is/are entitled to get interest as per prevailing rate of interest of Post Office Savings Account and not as per the MIS scheme. It reveals from the materials as placed before this Court on behalf of the respondents that the present petitioner had deposited excess amount in

contravention of MIS Rule and therefore the present petitioner is not entitled to get interest as per MIS scheme in respect of four MIS accounts in question.

6. There is thus no merit in the instant writ application. The instant application is thus disposed of.

7. All connected applications, if any, stands disposed.

8. Let a copy of this judgement along with LCR be sent down at once.

9. Urgent Photostat certified copy of this judgement, if applied for, be given to the parties on completion of usual formalities.

(Partha Sarathi Sen, J.)