IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.2636 of 2022
(Through Hybrid mode)

Sandhya Rani Hansdah	....	***Petitioner***
		Mr. A. Sahu, Advocate

-versus-

Union of India and others	....	***Opposite Parties***
		Mr. P. K. Parhi, ASGI Ms. B. Sahu, CGC

CORAM: JUSTICE ARINDAM SINHA

ORDER
21.09.2022

Order No.

05. 1. Mr. Sahu, learned advocate appears on behalf of petitioner and submits, his client is widow. Her husband opened Monthly Income Scheme (MIS) account no.4857020129 with the Post Office at Mayurbhanj, Baripada. On death of her husband she wanted to obtain proceeds in the account. This was refused by impugned letter dated 15th December, 2021. He submits, if there has been defalcation of funds of the Post Office, recovery can be made in accordance with provisions under section 4 in Public Accountants' Default Act, 1850. He relies on view taken by a Division Bench of Himachal Pradesh High Court on **judgment dated 8th January, 2007** in **Sunita Gupta vs. Union of India**, paragraph 9 (Indian Kanoon print).

2. Mr. Parhi, learned advocate, Asst. Solicitor General of India appears on behalf of Union of India and draws attention to following in the counter, extracted and reproduced below.

> *"... ... ... As a preventive measure to check further loss to Government Account all the live accounts in the names of suspected depositors of Gorumahisani Sub Office have been closed on various dates by the Department and the closure value have been credited to Government Account.*
>
> *The Petitioner Smt. Sandhyarani Hansdah who is the sister of the Principal Offender Sri Pitabasa Mahali is one of the such suspected depositor. Further, the names of Sri Jitmohan Hansdah, Brother in law of the Principal Offender and husband of the Petitioner, Sri Suraj Kumar Hansdah, Nephew of the Principal Offender/Son of the Petitioner and Miss Subhalaxmi Hansdah, niece of the Principal Offender and daughter of the Petitioner i.e. Smt. Sandhya Rani Hansdah are also enlisted in the list of suspected depositors as per departmental investigation. ... ... "*

3. On query from Court Mr. Parhi submits, petitioner being relative of principal offenders, there is grave suspicion of her involvement, as having deposited proceeds of misappropriation.

4. Court is presented with claim of petitioner, denied to her because she is relative of suspected offenders. She had applied for disbursement of proceeds by application dated 7th December, 2021. The Post Office promptly, by impugned letter, replied. Contents of said letter are reproduced below.

> *"With reference to your application dated 07.12.2021(21.45), it is to inform you that the claim preferred by you in respect of MIS A/C No.4857020129 standing in the name of Late- Jitmohan Hansdah is related to one massive financial misappropriation case, which occurred at Gorumahisani Sub-Post Office. Departmental enquiry in this case is going on. Hence in the present scenario, this department is not in a position to settle your claim. On completion of inquiry, the claim will be settled immediately.*
>
> ***The inconvenience caused is deeply regretted.****"*

5. Three financial quarters have elapsed since issuance of impugned letter. Concerned Post Office is directed to disburse the proceeds in aforesaid MIS account to petitioner on expiry of 31st October, 2022, unless within that time a case on, collecting evidence on investigation, is made out against petitioner, regarding her involvement in the financial misappropriation case. It is made clear, bare allegation as basis for continuing to withhold the proceeds after

31st October, 2022 may invite scrutiny regarding commission of contempt.

6. The writ petition is disposed of.

(Arindam Sinha)
Judge

Prasant