



WEB COPY



W.P.No.16154 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.16154 of 2010
&
M.P.Nos.1 and 2 of 2014

G.Sundar

... Petitioner

Vs.

1.The Senior Post Master
Vellore Head Post Office
Vellore-632 001

2.The Assistant Director of Small Savings
and Ex-office Personal Assistant
(Small Savings and Raffles) to the Collections
Vellore District
Vellore-632 009

3. The Collector
Vellore District

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified mandamus to call for the records of
the 3rd respondent in Na.Ka.No.PD1/713/2010 dated 13.07.2010 and quash
the same as illegal arbitrary and direct the 3rd respondent to permit the



W.P.No.16154 of 2010

petitioner to carry on the agency granted to him vide C.A.No.526/2010-2011

dated 15.02.2010.

For Petitioner : Mr.S.Thiruvengadam

For Respondents : Mr.J.Madhanagopal Rao, SPC for R1 and 2

Mr.P.Gurunathan, AGP for R3

ORDER

Writ Petition has been filed challenging the impugned order canceling the small savings agent license.

2. It is the case of the petitioner that he was appointed as the agent under the small saving scheme in Vellore District and the same was renewed vide C.A.No.526/2010-2011 dated 15.02.2010. The appointments are continuously renewed from the year 2006-07. Now the respondent issued the impugned order on the basis of the complaint given by one MIS Counter Postal Assistant. Whereas, the impugned is passed on the different reasons without any materials. Therefore, seeks to quash the impugned order.



W.P.No.16154 of 2010

3. In the counter the 1st respondent has stated that FIR has been lodged against him in Vellore Police Station by one K.Sathish Kumar son of Krishnamoorthy for shouting in a public place using filthy words the petitioner has created chaos and confusion among the existing agents and thereby created a panic among the public and staff. The senior superintendent of Post Office has written a letter to the 3rd respondent. The 3rd respondent has passed an order on the recommendation of the Senior Superintendent of Post Office and it is also the contention that petitioner is misguiding people by saying that if they invest in a private finance will give 2% commission and thereby creating loss to the both Central and State Governments. Accordingly, disputed the entire averments and prays for dismissal.

4. Learned counsel for the petitioner would submit that what was the complaint sent by the Post Master is only with regard to some personal altercation between the writ petitioner and one employee. Whereas the impugned order shows as if the petitioner has diverted the funds deposited in LIC policies. Such order based on mere surmises without any materials or recommendation by the Post Master. Now it is stated that the license has



W.P.No.16154 of 2010

been renewed till recently.

WEB COPY

5. However, the impugned order has to be set aside due to non application of mind. Though it is stated that impugned is based on the FIR, the other aspect nothing reflected in the impugned order. The impugned order date 13.07.2010 is passed mainly on the ground that the petitioner has invested the amount collected in various other policies thereby his license is revoked. But the reference in the impugned order indicate that such order has been made on the recommendation made by the Senior Superintendent. On perusal of the records, the recommendation has been sent only with regard to certain personal dispute between the petitioner and one of the employee and there is no reference as to the pending of any criminal case. The criminal case is also appears to be closed in favour of the petitioner.

6. Therefore, without any materials passing any impugned order on the ground that the petitioner diverted the funds to some other investment cannot be sustained in the eye of law. It is also submitted by both sides the license also renewed till date.



W.P.No.16154 of 2010

7. In such view of the matter impugned order is set aside. With the above observation, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

19.10.2022

kpr
Internet:Yes
Speaking/Non speaking order

To

1.The Senior Post Master
Vellore Head Post Office
Vellore-632 001

2.The Assistant Director of Small Savings
and Ex-office Personal Assistant
(Small Savings and Raffles) to the Collections
Vellore District
Vellore-632 009

3. The Collector
Vellore District



WEB COPY



W.P.No.16154 of 2010

N. SATHISH KUMAR, J.

kpr

W.P.No.16154 of 2010
&
M.P.Nos.1 and 2 of 2014

19.10.2022