

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18436 of 2022

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Rajesh Kumar, Son of Late Siya Sharan Rai Resident of Kharaj Hakimabad,
Post Office- Kharaj Jitwarpur, Via- Jitwarpur, District- Samastipur- 848134.

... .. Petitioner/s

Versus

1. The Union of India through the Chief Post Master General, Bihar Circle, Patna- 800001.
2. The Chief Post Master General, Bihar Circle, Patna- 800001.
3. The Assistant Director (P.G.), Office of the Chief Post Master General, Bihar Circle, Patna- 800001.
4. The Superintendent of Post Officers, Samastipur Division, Samastipur- 848101.
5. The Inspector Posts, Office of the Inspector Posts, East Sub Division, Samastipur- 848101.
6. The Post Master, Sub Post Office, Jitwarpur, District- Samastipur- 848101.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Asit Kumar Jha, Advocate
For the Respondent/s : Ms. Priyanka Raj Laxmi, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-02-2023

Petitioner has prayed for the following relief(s):-

“That, this petition is for issuance of an appropriate writ/writs, order/orders, direction/directions to the Respondents to pay the maturity value of Kisan Vikas Patra (KVP) Term Deposit (TD)/S.B. Deposit (detail description of the instruments are given in the Para. 7 of the writ application which was purchased from Jitwarpur Sub-Post office of District - Samastipur and stand in



the name of Late Siya Sharan Rai and the petitioner who is the son and nominee in all the postal saving instruments is legally entitled to receive the maturity value along with the statutory interest of the said investment as the required claim form is already submitted by the petitioner on dated 22.03.2022.

2. That the petitioner prays for the following reliefs :-

(i) To issue an appropriate order/ direction to the respondents for taking all necessary steps to pay the maturity value of Kisan Vikas Patra (KVP), Term Deposit, S.B. Deposit to the petitioner whose details are given in the Para. 7 of the writ application.

(ii) Appropriate direction to provide the details of all postal saving instruments stands in the name of Late Siya Sharan Rai and also the Photo Copy of ledger showing the transaction made by Late Siya Sharan Rai (father of the petitioner) during his life time.

(iii) To issuance an order/ direction for high level independent inquiry as the local level authority fail to identify the all culprit who have misappropriate the investment made by the Late Siya Sharan Rai (Father of the petitioner) at Jitwarpur Sub-Post Office (District- Samastipur).

(iv) Petitioner may be awarded litigation cost and compensation for mental harassment.

(v) Any other relief/ reliefs in the facts and circumstances of the case.”

It is not in dispute that in terms of and pursuant to communication dated 21.05.2021 (Annexure-9, Page 41), petitioner has already approached before the Respondent No. 4, namely, The Superintendent of Post Offices, Samastipur Division, Samastipur- 848101.

Learned counsel for the petitioner states that as



on date request for consideration is yet pending and petitioner shall be content if the petition is disposed of with a direction to the said authority to consider and decide the petitioner's request expeditiously and preferably within a period of four weeks.

Learned counsel appearing on behalf of the respondents has raised no objection.

As such, petition stands disposed of on the following terms:-

(a) The authority concerned i.e. Respondent No. 4, namely, The Superintendent of Post Offices, Samastipur Division, Samastipur- 848101 shall consider and decide the petitioner's request expeditiously by a reasoned and speaking order preferably within a period of four weeks;

(b) Needless to add, while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(c) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(d) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with,



in accordance with law and with reasonable dispatch;

(e) Liberty reserved to the petitioner to approach the Court, should the need so arise subsequently on the same and subsequent cause of action;

(f) We have not expressed any opinion on merits.
All issues are left open;

(g) The proceedings shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Sujit/Rajiv

AFR/NAFR	
CAV DATE	
Uploading Date	02.02.2023
Transmission Date	

