



W.P.(MD).No.3932 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.3932 of 2011

P.Balaganesan

...Petitioner

Vs

1.The Chief Postmaster General,
Anna Salai,
Chennai.

2.The Postmaster General,
Southern Region,
Madurai.

3.The Senior Superintendent of Post Office,
Palayamkottai,
Tirunelveli Division,
Tirunelveli.

4.The Post Master,
Head Post Office,
Palayam Kottai,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus,to call for the records relating to the Letter No.L5/BD/WP 13828/09 dated at Tirunelveli 16.04.2010 issued by the third respondent and quash the



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same and consequently direct the respondents to pay a sum of Rs.24 to 48 lakh, along with interest till today within a time frame as fixed by this Court.

For Petitioner : Mrs.S.Saraswathi

For Respondents : No Appearance

ORDER

This Writ Petition has been filed seeking to quash the Letter No.L5/BD/WP 13828/09 dated at Tirunelveli 16.04.2010 issued by the third respondent and consequently direct the respondents to pay a sum of Rs.24 to 48 lakh, along with interest till today.

2. The petitioner claims in this Writ Petition that he is entitled to a rebate for booking Express Parcel Service (EPP) articles under the Book Now Pay Later (BNPL) scheme. He submits that he was registered under the said scheme, but was subsequently asked to produce necessary documents for enrollment in the BNPL scheme by communication dated 23.10.2009. The petitioner responded to the respondents' request by contending that he had already been registered under the BNPL scheme and therefore, did not require further registration. However, the respondents passed an impugned order stating that the petitioner was not



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eligible for the rebate as he had not been approved by the BNPL department. The petitioner submits that this order is arbitrary and devoid of reasoning. He prays that the respondents be directed to pay him a sum of Rs.25,00,000/- and Rs.45,00,000/- along with interest.

3. I have perused the order impugned in the writ petition. The order reveals that the petitioner was directed to provide all necessary documents for complying with the rules for enrolling under the BNPL scheme. However, it is evident that he failed to submit the required application. Although the petitioner claims to have made a representation stating that he had already been registered under the scheme. From the perusal of the documents filed in the typed set of papers in the writ petition it could be seen that the petitioner had been granted the benefit under the BNPL scheme and had been issued various vouchers in respect of the same. The petitioner had also made a request for the benefit of the rebate under the BNPL scheme, pursuant to which by communication dated 14.09.2009, cheques were also issued in favour of the petitioner with regard to the rebate given to the petitioner towards EPP business done by him. A further communication dated 23.10.2009 was also found in the typed set calling upon the petitioner to submit a fresh BNPL



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application along with the Note for contract and open a security deposit account pledged in the name of the “President of India” and that he had not made such application and therefore it was decided to withdraw the BNPL facilities from 27.10.2009. The said order had remained unchallenged by the petitioner. The petitioner has challenged the order dated 16.04.2010, which informed him that he was not entitled to the rebate as per the Department's rules, since he was not an approved customer in the BNPL department. However, since the petitioner did not challenge the earlier order withdrawing his BNPL facilities, which was issued on or before 27.10.2009, it cannot be said that he is an aggrieved party with respect to the impugned order in this writ petition.

4. For the aforesaid reasons, I do not find any merits in the writ petition. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

04.12.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

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K.KUMARESH BABU, J.

Nsr

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