



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-17506-2018 (O&M)
Date of decision: 10.09.2024

Brahm Parkash

...Petitioner

VERSUS

The Permanent Lok Adalat (Public Utility Services), Narnaul and others

...Respondents

CWP-26270-2017 (O&M)
Date of decision: 10.09.2024

Brahm Parkash

...Petitioner

VERSUS

The Permanent Lok Adalat (Public Utility Services), Narnaul and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Harpal Singh Saini, Advocate for the petitioner(s)
(through V.C.).

Mr. P.S. Chauhan, Advocate for respondent No.2.

Mr. Arihant Goyal, Sr. Panel Counsel
for respondents No.3 and 4.

VINOD S. BHARDWAJ, J. (Oral)

1. Both these petitions have been filed by the petitioner(s) being aggrieved against two different awards passed on 11.12.2015 by the Permanent Lok Adalat (Public Utility Services), Narnaul, hence, they are



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being decided by a common order. The facts are however being extracted from **CWP-17506-2018** titled as **Brahm Parkash Vs. The Permanent Lok Adalat (Public Utility Services), Narnaul and others.**

2. The present writ petition has been filed by the petitioner who was posted as SPM (Postmaster Grade-1) Kanina w.e.f. 08.09.2012 and was thereafter transferred to Post office Sohna against vacant post vide order No.STA/8-4/2012 dated 15.12.2014 issued by respondent No.4. It is contended that the Postmaster General, Haryana Circle Ambala had issued directions vide letter dated 17.05.2010 whereby guidelines to prevent embezzlement was laid down and in those guidelines it was stated that the time be fixed for taking business from the Postal Agents, not to transact with messengers of Postal Agents and to ensure that at the time of taking saving deposit through Agents, the deposit lot along with concerned passbook are presented. Further, the Ministry of Communication and Information Technology, Department of Posts, had issued order vide Folio No.107-02/2007-SB dated 16.09.2013 to the effect that the Agents should not be forced to open accounts of small amount in the name of single depositor and single passbook be not issued against multiple accounts and various instructions were also issued. It is contended that respondent No.2 had earlier filed a complaint in the year 2014 before the Deputy Commissioner, Narnaul against the petitioner alleging non-cooperation when he was posted as Sub-Postmaster at Kanina Post Office. The statements of the petitioner and other staff members were specifically recorded. A letter dated



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24.06.2014 was issued by respondent No.3-The Post Adhikshak Gurgaon, Division Gurgaon, Haryana informing that orders for accepting RD Deposits between dates 1 to 15 and 16 to 30 have been kept in abeyance by the Department. It is informed that the petitioner intimated all the said aspects to the authorities, however, the Agents continued to resort to misguiding the depositors/subscribers. Since the petitioner wanted to stop them from indulging in any such practice, the complaints against him were made to pressurize him. The petitioner was thereafter transferred in 2014 to Sohna. An application under Section 22C of the Legal Services Authorities Act, 1987 was filed by respondent No.2 before Permanent Lok Adalat (Public Utility Services), Narnaul which was eventually decided on 11.12.2015. He contends that the petitioner was never served with a notice and that only official respondents entered appearance but the award has been passed against the petitioner. He contends that the Permanent Lok Adalat (Public Utility Services) has not initiated any efforts for conciliation in terms of the judgment passed by the Hon'ble Supreme Court in the matter of **Canara Bank Vs. G.S. Jayarama** reported as **(2022) 7 Supreme Court Cases 776**.

3. Learned counsel appearing on behalf of the respondents reiterated the findings recorded by the Permanent Lok Adalat (Public Utility Services) and contends that the Permanent Lok Adalat (Public Utility Services) had specifically recorded that the behavior of the petitioner was not upto the mark. The action of the petitioner was not in accordance with departmental guidelines and that he has acted beyond the said parameters



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and as such the award has rightly been passed. He however do not dispute the judgment passed by the Hon'ble Supreme Court in the matter of **Canara Bank 's** case (supra) which makes conciliatory procedure mandatory and the said proceedings are required to be followed before an adjudicatory power is exercised under Section 22C(8) of the Legal Services Authorities Act, 1987.

4. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents available on record.

5. It is evident from a perusal of the award that there is no reference to any steps that have been taken by the Permanent Lok Adalat (Public Utility Services) for an amicable resolution of the dispute. No terms for settlement between the parties were drawn and the award shows that there has been adjudication out-rightly by the Permanent Lok Adalat (Public Utility Services). The Hon'ble Supreme Court having made conciliation mandatory, the adjudicatory power under Section 22C (8) of the Legal Services Authorities Act, 1987 can be exercised only after the conciliatory efforts are made, hence, I deem it appropriate to dispose of the present writ petition at this stage without commenting on the merits of the case lest it caused prejudice to the rights of the respective parties. The impugned awards dated 11.12.2015 passed by Permanent Lok Adalat (Public Utility Services) in case No. 476 dated 23.12.2014 titled as **Smt. Suman Vs. Sh. Braham Parkash Postmaster and others** and case No.477 dated 23.12.2014 titled as **Smt. Darshana Rani Vs. Sh. Braham Parkash Postmaster and others** are set aside. The matters are remanded to the



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Permanent Lok Adalat (Public Utility Services), Narnaul to pass fresh orders in the said cases after following the due process of law and the procedure as approved by the Hon’ble Supreme Court.

6. Let the parties appear before the Permanent Lok Adalat (Public Utility Services), Narnaul 15.10.2024 whereupon further proceedings shall be undertaken.

7. **Disposed of in above terms.**

8. All pending civil misc. application(s), if any, stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

10.09.2024
Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No