IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12140 of 2022

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1. Shio Muni Singh Son of Khobhari Singh, Resident of Mohalla- RPS road, Near Shiv Mandir Pashupati Vihar Colony, P.S. Rupaspur, District Patna.
2. Dharmavati Devi Wife of Shivmuni Singh, Resident of Mohalla- RPS road, Near Shiv Mandir Pashupati Vihar Colony, P.S. Rupaspur, District Patna.
3. Vishal Kumar Son of Shio Muni Singh, Resident of Mohalla- RPS road, Near Shiv Mandir Pashupati Vihar Colony, P.S. Rupaspur, District Patna.

... ... Petitioner/s

Versus

1. The Union of India
2. The Chief Post Master General, Bihar Circle, GPO, Patna-800001.
3. The Accoutant Officer, AJS (BK), Circle Office, GPO, Patna- 800001.
4. The Senior Superintendent of Post Office, Patna Division, Patna-800004
5. The Senior Post Master, Bankipore Head Office, Patna-800004
6. The SBCO, GPO, Patna-800001
7. The Sub-Post Master, Gardanibagh Post Office, Patna-800002

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Mishra, Advocate Mr. Veena Rai Jaiswal, Advocate
For the Respondent/s	:	Mr. Raunak Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL ORDER

11 02-07-2025 The petitioners have filed the present writ petition for the following relief:

> *i. A writ in the nature of mandamus or any other appropriate writ/order or direction directing the respondents to pay the maturity amount with up to date interest to the petitioners of their one year T.D. Account opened in Sub-Post Office, Gardanibagh, Patna. The details of the Accounts of the petitioners are as follows:-*
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> *i. Account No. 1311264-Amount deposited*

80000/-Date

13.2.2010

ii. " 1311265 " " 60000/-Date 13.2.2010

iii. " 1311266 " " 52000/-Date-13.2.2010

iv. "1311269 " " 60000/- Date-18.2.2010

v. " 1311270 " " 60000/-Date- 18.2.2010

vi. "1311343 " " 49000/-Date-23.9.2010

vii. "1311346 " " 40000/-Date-1.10.2010

Total Amount deposited

4.01000/ (Four Lakh one thousand)

ii. Any other appropriate writ/ order or direction which your lordships may deem fit and proper.

2. Learned counsel for the petitioners has stated that the petitioner along with the other petitioners had deposited amounts in the Post Office Saving Bank Scheme in the year 2010, the said deposit was for a period of one year. However, due to some unforeseen circumstances, the petitioners could not approach the post office for withdrawal of the maturity amount and for the first time have approached the authorities in the year 2018. Though, they have submitted necessary applications for withdrawal of the matured amount, the authorities did not pay any heed to the request of the petitioner and several representations were also made and correspondence also took

place, but to no avail. Finally, the petitioners have got a legal notice dated 19.05.2022 issued to the Senior Superintendent of Post Office, Patna Division, Patna, to which they received a letter dated 04.02.2022 seeking a clarification as to why the petitioners have kept quite for a period of 10 years after the date of maturity. The petitioners have submitted a reply to the said letter on 08.02.2022 mentioning that due to unavoidable circumstances, they could not approach the authorities within a stipulated time. They received a letter dated 07.07.2022; bearing no.CR/SB/Misc/280/18-19 (Annexure-13) wherein it was stated that the maturity amount cannot be paid to the petitioners due to non-availability of the connected post office records which could had reflected the status of accounts of the petitioners and they might have been disposed earlier/destroyed or weeded out and, therefore, the payment cannot be made. Learned counsel has stated that once the respondents have accepted the deposits made by the petitioners and the original receipts/passbooks are with the petitioners, the authorities cannot deny the payment solely on the ground that the records are not available. Learned counsel has stated that irrespective of the delay caused by the petitioners, the unclaimed amounts, if any, will have to be kept in safe custody till the actual person comes and makes a claim.

The authorities cannot simple reject the claim of the petitioners on the sole ground that the records are not available or on the ground of delay. Learned counsel has prayed for allowing the present writ petition and directing the authorities to make the payments of the matured amount.

3. Per contra, the learned on behalf of the respondent-post office has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the petitioner has kept quiet for a period of almost 8 years after the date of maturity of the deposit without any reason. Learned counsel has stated that in the absence of any record available in the office, the authorities are not in a position to verify the claims made by the petitioners, and therefore, are not in a position to make the payments. Learned counsel has stated that as per the guidelines issued for preservation and disposal of the records, the authorities do not keep the records forever and they are periodically destroyed. Learned counsel has further stated that the respondent-authority cannot be punished for the lapses, if any, committed by the petitioner and prayed for dismissal of the present writ petition.

4. Admittedly, in this case the authorities are not denying that the petitioners have not deposited the amount, the

only reason given for not paying the matured amounts is that the records evidencing the deposit by the petitioners are not available and might have been destroyed due to which they are not in a position to verify as to whether the accounts have already been settled or not. However, it is to be noted that the authority having accepted the deposits from the general public cannot state that the records are not available. The authorities are duty bound to keep the records in safe custody till all the accounts are settled. In this case, the original passbooks are still with the petitioners, therefore, an inference has to be drawn that the account have not been closed or that the accounts being settled. Had the accounts being settled and the amounts paid to the petitioners, the authorities could had taken the original passbooks back duly endorsing on the said passbooks that the account are closed. Delay on part of the petitioners in approaching the respondents cannot be a ground for denying the payment of the matured amounts. The CWJC has to be necessarily allowed as the original passbooks evidencing the deposit amounts are still with the petitioners. In this case, as rightly pointed out by the learned counsel for the petitioners, the authorities cannot be burdened by imposing interest for the period after the amounts have matured. Having regard to the fact that the deposits by the petitioners are between 13.02.2010 to 01.10.2010, the interest for a period of one year shall be calculated and paid to petitioners. Petitioners are directed to produce original passbook pictures before the concerned authority (respondent no.4) within a period of four weeks from today. On such production, the authorities shall make the necessary payment within a period of four weeks thereof.

5. With the above direction, the writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy , J)

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