

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18445 of 2015

Vijay Lakshami @ Vijay Lakshami Malhotra wife of late Nirmal Kumar Malhotra Resident of Village and P.O. Baradhi, p.s Chainpur, Bhabhua town, District Kaimur Bihar , Presently residing at Do- Minar-Appartment, Flat NO. 202, B-Block, Rajendra Nagar road, No. 10,B, P.s Kankarbagh, town and Distt Patna-800016

... .. Petitioner/s

Versus

1. The Union Of India and Ors
2. The Chief Post-master General Bihar Circle Patna -1
3. The Superintendent of Post Office, Rohtas Division, Sasaram -821115
4. The Post-Master, post Office, Bhabua kaimur
5. Usha Mehrotra W/o Gopal Prasad Mehrotra Resident of Mohalla- Bhabhua Town, Ward No. -12, P.O. and P.S.- Bhabhua, Distt- Kaimur.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11022 of 2015

1. The Union Of India
2. The Superintendent of Post Office, Rohtas Division, Sasaram.

... .. Petitioner/s

Versus

1. Administrator General Of Bihar, Collecterate, Patna and Ors
2. Vijay Laxmi Widow of Late Nirmal Kumar Mehrotra Resident of Flat No. 202B, Block - Do Minar Apartment, Road No. - 10B, Rajendra Nagar, Patna - 800016.
3. Usha Mahrotra Wife of Gopal Prasad Mahrotra Resident of Mohalla - Bhabhua Town, Ward No. 12, P.O. and P.S. - Bhabhua, District - Kaimur.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 18445 of 2015)

For the Petitioner/s : Mr. Shashi Nath Jha, Advocate
Mr. Sunny Kumar, Advocate

For the State : Mr. S.D Sanjay, A.S.G.

For the Postal : Mr. Anshay Bahadur Mathur, CGC

(In Civil Writ Jurisdiction Case No. 11022 of 2015)

For the Petitioner/s : Mr. Bindhyachal Rai, Sr. Advocate
Mr. Anshu Mathur, Advocate

For the Respondents : Mr. Shailesh Kumar Singh, Advocate
Mr. Shashi Nath Jha, Advocate



CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

9 23-04-2025 Both the writ applications arise out of the same subject matter and hence, with the consent of both the sides, both writ applications have been heard together and a common order is being passed.

C.W.J.C. No. 11022 of 2015

2. Heard Mr. Bindhyachal Rai, learned senior counsel for the petitioners, Mr. Shailesh Kumar Singh and Mr. Shashi Nath Jha, learned counsel for the respondents.

3. This writ application has been filed by the Union of India and Another against the direction issued by Respondent No.1 to pay the deposits made by late Nirmal Kumar Mehrotra under post office saving deposit in favour of Respondent No.2 (Vijay Lakshami, wife of late Nirmal Kumar Mehrotra) where the deceased had made the nomination in favour of Respondent No.3 (Usha Mehrotra, wife of Gopal Prasad Mehrotra) and also against subsequent notice of contempt issued by Respondent No.1. During the course of argument, it has come to light that vide Certificate No. 33 dated 15.02.2014 passed in L.A. Case No. 05 of 2014 (Annexure-1), the court of Administrator General of Bihar in purported exercise of power under Section 29 of the Administrator General Act 45 of 1963 has passed an order, the operative portion of which is as follows:-



“ The following amounts and its interest standing in the name of Late Nirmal Kumar Mehrotra, are payable to his wife namely, Vijay Lakshmi Mehrotra.

(i) Senior Citizen Account No. 20075111 for Rs.3,00,000/- (Rupees Three lacs) only

(ii) Senior Citizen Account No. 200075106 for Rs.2,00,000/- (Rupees Two Lacs) only

(iii) Senior Citizen Account No. 100057801 for Rs. 3,00,000/- (Rupees Three Lacs) only

All with Post Office, Bhabhua (Kaimur) ”.

4. As per the aforesaid order-cum-certificate issued by the Court of Administrator General of Bihar, the petitioners were obliged to make payment to the Respondent No. 2 but the said payment was not made and later vide letter dated 05.12.2014, the Administrator General Bihar, Patna issued a show cause notice to the Postal Superintendent, Rohtas, Mandal-Sasaram as to why the proceeding of contempt be not initiated for violating/non-complying of the order dated 15.02.2014.

5. The learned counsel appearing for Respondent No. 2 has opposed this writ application by submitting that the main order bearing Certificate No. 33 dated 15.02.2014 passed in L.A. Case No. 05 of 2014 has not been specifically challenged and no prayer has been made by the petitioner (Union of India) to quash/set aside the said order. In absence of specific prayer for quashing/setting aside the main order contained in Certificate No. 33 dated



15.02.2014 by which entitlement to receive the payment has accrued in favour of Respondent No.2, not being challenged, this writ application filed by the Union of India should be dismissed.

6. During the course of argument, when specific query was posed to the learned counsel for the petitioner (Union of India) as to why he did not challenge the order contained in Certificate No. 33 dated 15.02.2014 passed in L.A. Case No. 05 of 2014 on the basis of which the rights have accrued in favour of the Respondent No. 2, no satisfactory explanation was tendered and in fact, it was admitted that there was a lacuna in the writ application to this extent.

7. Given the fact that the main order contained in Certificate No. 33 dated 15.02.2014 (Annexure-1) by which the petitioner (Union of India) is aggrieved and the same has not been challenged, the petitioner cannot question the consequential actions which are based on the said order.

8. In this view of the above, the writ application bearing C.W.J.C. No. 11022 of 2015 fails and hence, it is dismissed.

C.W.J.C. No. 18445 of 2015

9. Heard Mr. Shashi Nath Jha, learned counsel for the petitioner, Mr. S.D. Sanjay, learned counsel for the State and Mr. Anshay Bahadur Mathur, learned counsel for the postal.

10. This writ application has been filed by the petitioner,



Vijay Lakshami @ Vijaya Lakshami Malhotra, wife of late Nirmal Kumar Mehrotra. The petitioner submitted that despite their being an order of Administrator General of Bihar in her favour entitling her to receive an amount of Rs.8,00,000/- from the respondents, respondent no. 3 is not making the said payment. The order contained in Certificate No. 33 dated 15.02.2014 has been brought on record by way of Annexure-4 to the writ application which entitles the petitioner to receive various amounts totalling to Rs. 8,00,000/- which is lying in possession of Respondent No. 3. It is pertinent to note that this order was passed on 15.02.2014 and more than ten years have lapsed but still the amount has not been disbursed to the petitioner. It has already been noted above that this order dated 15.02.2014 became final because it was never challenged by the Union of India but despite the same, the petitioner continues to remain deprived of the amount of Rs.8,00,000/- which the Respondent No. 3 ought to have paid to the petitioner way back within a reasonable time. Certain actions/steps were taken pursuant to the order contained in Certificate No. 33 dated 15.02.2014 by the Administrator General of Bihar, the legality and validity of which came under question during the course of argument but that is not germane to the issue under consideration in the present writ application and hence, this Court refrains from going into such issues and confines itself to



decide the core issue i.e. the entitlement of the petitioner to receive the payment in terms of the order contained in Certificate No. 33 dated 15.02.2014 (Annexure-4).

11. During the course of argument, learned counsel for Union of India also does not dispute that the amount in question is receivable by the petitioner.

12. The nominee Usha Mehrotra was made a party, respondent no. 5 in this writ application and notices were issued to her but she never turned up to contest the case. In the rejoinder to the counter affidavit filed by the petitioner, an affidavit (Annexure-10) has been brought on record sworn by the nominee Usha Mehrotra in which she has expressed that she has no objection if the amount is disbursed to the petitioner in terms of the order passed by the Administrator General, Govt. of Bihar. Usha Mehrotra has not turned up to even dispute this affidavit.

13. Under the aforesaid facts and circumstances, having larger interest of the petitioner in mind, this court considers it appropriate to direct the respondent no. 3 and 4 to disburse the entire amount of Rs.8,00,000/- as contained in the order bearing Certificate No.33 dated 15.02.2014 (Annexure-4) passed in L.A. Case No. 05 of 2014 within one month from the date of production of copy of this order in favour of the petitioner along with 6 per cent p.a. interest to be paid from the date of order i.e. 15.02.2014



upto the date of payment.

14. This writ application is allowed to the extent indicated above.

15. All pending interlocutory application, if any, will be considered to have been disposed of.

(Alok Kumar Sinha, J)

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