

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

O.A.No.272/2017

Ahmedabad, this the 22nd day of February, 2018

Coram :

Hon'ble Dr. K.B.Suresh, Member (J)

Hon'ble Shri K.N.Shrivastava, Member (A)

Smt . Saroj Narayanbhai Patel, Aged 55 years

Occup. PA, Fatehganj HO, Vadodara

Residing at : C-119, Jay Yogeshwar Society,

Opp. Jalaram Mandir, New Sama Road,

Vadodara- 390 024. Applicant

(Advocate : Ms. Paurami Seth)

VERSUS

1. Union of India

Notice to be served through

Chief Post Master General

Khanpur, Ahmedabad 380 001.

2. Director Postal Services

C/o. Post Master General

Vadodara Region,

Vadodara 390 002.

3. Sr. Superintendent of Post Offices

Vadodara West Division

Vadodara 390 002. Respondents

(By Advocate : Ms. Prachi Upadhyay)

ORDER (oral)

Per : Hon'ble Dr. K.B. Suresh, Member (J)

Heard. The issue in this matter is very simple. Several persons had opened R.D. Account in the Post Office. For some reason or other, before maturity, they wanted the money back. Agents who may have canvassing this business approached the concerning officials and requested for money back. As it is allowed under Rules, a premature closure is allowed and the amounts are paid by cheque to the concerned persons. Now, we may quote from Para 3.2 of the reply relating to the issue as under :

Sl.No	Account	Account Holder	Date	Amount Premature Closure (Rs.)
1	16155205	Pinakin V. Patel Nita P. Patel	24.06.14	50547
2	16155206	Savitaben V. Patel	24.06.14	37630
3	16155218	Vinodbhai M.Patel Savitaben V. Patel	27.06.14	50547

Thus, the concerned authority has imposed the whole of the R.D. deposit as amount payable to the Government and depicted it as a loss to the Government even though the amount had already been paid to the rightful claimant and the Government under the rules has no claim on it.

2. No amount has been lost by the Government in this transaction as these amounts were payable to R.D. Holders whether they are paid at the correct point of time or prematurely. Even if the amount is prematurely withdrawn from any Bank, then the interest till then only be calculated and paid or in sudden withdrawal, bank will only pay interest at the rate of simple interest, which is normally calculated for Saving Account purposes and paid. The same is the relation between customers of a Post

Office, which is contractual in nature and has nothing to do with status and sovereignty. This is the way to be adopted and **the way in which loss has been calculated arise only in the imagination of the concerned official and no actual loss has been caused to the Government.** The alleged loss has calculated as amount due to the concerned customers from the Post Office which they are legally and justifiably entitled to. Nothing more is made out by the respondents justifying their cause.

3. We note with regret that for 10 years, the concerned District Collector had remained silent in this matter. We, therefore, direct the Chief Secretary of the State of Gujarat to get an explanation from him as Public money cannot be wasted in the criminal laches and if they have not acted on the request, then there will be serious failing on their part. The Chief Secretary of Gujarat State will, therefore, take assistance from the Chief Postmaster General, Gujarat Circle to get from him the details of letters written to the District Collector concerned at various points of time and if then any infraction is found on the side of the District Collector concerned then to take appropriate action under law. Otherwise, he may report it to the Secretary of Posts.

4. In view of the above and vexatious contentions of the respondents, the OA is allowed with costs of Rs.25,000/- as Bar submit that Rs.25,000/- is the normal fees of Advocates in Ahmedabad. At this point of time, the learned counsel for the respondents submits that ultimately cost imposed will be loss to the Government. Therefore, we clarify the

position further that the authorities are hereby enabled to recover from the concerned officials after hearing them also in the matter. OA is allowed with cost of Rs.25,000/-.

(K.N.Shrivastava)
Member (A)

(K.B.Suresh)
Member(J)

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