

Suma Devi Vs. the Sub Treasury Officer

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Court : Kerala

Decided On : May-30-2014

Judge : Honourable Mr.Justice a.M.Shaffique

Appellant : Suma Devi

Respondent : The Sub Treasury Officer

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE FRIDAY, THE 30TH DAY OF MAY 2014 9TH JYAISHTA, 1936 WP(C).No. 13009 of 2014 (A) ----- PETITIONER: ----- SUMA DEVI, THEKKEDATHU HOUSE, NEERATTUPURAM P.O., THIRUVALLA, NEDUMPURAM, KARIKUZHY, ALAPPUZHA. BY SRI.P.RAVINDRAN, SENIOR ADVOCATE ADV. SRI.M.R.SABU RESPONDENTS: ----- 1. THE SUB TREASURY OFFICER, EDATHUA - 689 573.

2. THE DIRECTOR OF TREASURIES, THIRUVANANTHAPURAM - 695 001. BY SPL.GOV.T.PLEADER (FINANCE) SRI.SUNIL CYRIAC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30-05-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Kss WP(C).No. 13009 of 2014 (A) ----- APPENDIX PETITIONER(S)' EXHIBITS: ----- EXHIBIT P1. TRUE COPY OF THE DEATH CERTIFICATE ISSUED BY THE REGISTRAR OF BIRTHS AND DEATHS,

THALAVADI GRAMA PANCHAYATH DATED 27.05.09. EXHIBIT P2. TRUE COPY OF THE TERM DEPOSIT CERTIFICATE ISSUED BY THE TREASURY OFFICER, DATED 16.10.08. EXHIBIT P3. TRUE COPY OF THE CERTIFICATE OF NOMINATION DATED 16.10.2008. EXHIBIT P4. TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 19/04/13. EXHIBIT P5. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 31/03/14. EXHIBIT P6. TRUE COPY OF THE COMMUNICATION RECEIVED BY THE PETITIONER ISSUED BY THE 1ST RESPONDENT DATED 7/04/2014. RESPONDENT(S)' EXHIBITS: -----
NIL /TRUE COPY/ P.S. TO JUDGE K. S. A. M. Shaffique, J.

----- W.P(C) No. 13009 of 2014 -----
----- Dated this, the 30th day of May, 2014.

JUDGMENT

Petitioner has approached this Court for a direction to the 1st respondent to disburse the amount due as per Ext. P2 on the basis of Ext. P3 nomination certificate.

2. Ext. P2 is a fixed deposit receipt which was in the name of the petitioner's husband, who expired, and the fixed deposit had matured. The petitioner is the nominee as seen from Ext. P3. The complaint of the petitioner is that despite such nomination, the 1st respondent is not paying the fixed deposit amount to the petitioner. Petitioner has also sought for disbursal of the interest @ 10.5% from the date on which the fixed deposit had become due.

3. The learned Government Pleader, on instructions, would submit that the petitioner had produced a succession certificate in which it is clearly indicated that the petitioner along with two daughters, have a right in respect of the aforesaid amount and therefore unless all of them approach the Treasury Officer, the amount could not be disbursed.

4. The law is well settled that the nominee is entitled to receive the amount on behalf of the legal heirs as a trustee and it is the obligation of the nominee who receives the amount to disburse the same to the legal heirs. As far as the 1st respondent is concerned, he cannot insist that all W.P(C) No. 13009 of 2014 -:

2. :- the legal heirs as shown in the succession certificate should come forward to receive the amount. If at all there is any dispute with reference to disbursement of the amount covered by the fixed deposit, it is for the legal heirs to approach the competent court of law and seek appropriate remedies.

5. In the light of the aforesaid factual situation and the law on the point, I do not think that there is any jurisdiction on the part of the 1st respondent to have refused to pay the amount covered by the fixed deposit.

6. The learned Government Pleader, however, would submit that the petitioner approached the Treasury for receiving the amount only on 31.3.2014 by producing the succession certificate along with the fixed deposit receipt. It is in the said circumstances that the amount could not be disbursed.

7. However, it is clear from Ext. P2 that the fixed deposit had matured on 16.10.2011 and thereafter the said amount should carry interest at the normal savings bank rate, which the petitioner can as well claim. However, the petitioner cannot claim interest on fixed deposit rate as she did not approach the 1st respondent until 31.3.2014.

8. In the said circumstances, the writ petition is W.P(C) No. 13009 of 2014 -:

3. :- disposed of as under: The 1st respondent is directed to disburse the amount covered by Ext. P2 fixed deposit to the petitioner with normal rate of interest applicable to savings bank account, if any, from the date of maturity till the date of disbursement, which shall be done within a period of 15 days from the date of receipt of a copy of this judgment. Sd/- A.M. Shaffique, Judge. Tds/