

Prem Chand Gupta and ors. Vs. Chief Postmaster and ors.

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Court : Delhi

Decided On : Aug-12-2014

Judge : Suresh Kait

Appellant : Prem Chand Gupta and ors.

Respondent : Chief Postmaster and ors.

Judgement :

§~3 * IN THE HIGH COURT OF DELHI AT NEW DELHI Judgment delivered on:12th August, 2014 % + W.P.(C) 4087/2014 PREM CHAND GUPTA & ORS. Petitioners Represented by: Mr. Sudhir Naagar, Adv. versus CHIEF POSTMASTER & ORS. Respondents Represented by: Mr. A.K. Gautam and Mr. M.P. Singh, Advs. for R1 and R2. Ms. Sana Ansari, Adv. for R3 with Mr. Parveen Kumar, O/O SDM, Kotwali. CORAM: HONBLE MR. JUSTICE SURESH KAIT SURESH KAIT, J.

(Oral) 1. The petitioners have assailed the order dated 30.04.2014, whereby they were directed to deposit Rs.70,64,623/- by 15.05.2014 failing which action for the realization of the dues will be taken as per Section 67 of Punjab Land Revenue Act, 1887.

2. On receipt of the aforesaid communication, the petitioners applied under RTI whether the recovery certificate has been issued by the respondent No.1. In response thereto, respondent no.1 replied as under: (i) No such certificate has

been issued. (ii) No correspondence has been made for recovery certificate from SDM, Kotwali (iii) No enquiry has been made for recovery certificate (iv) No any official has been issued recovery certificate by the CPM, Delhi, GPO. (v) No any notice has been issued to the applicant and his family members in respect of recovery certificate.

3. This communication has also been issued on behalf of the Chief Post Master/CPIO, Delhi, GPO.

4. On specific enquiry, Ld. Counsel appearing on behalf of the respondent No.1 states that the communication dated 29.03.2013 addressed to Sub-Divisional Magistrate (Recovery) was issued by Sh. G.C. Pant, Chief Post Master and also admitted that the information to the petitioner under RTI was also given by the same Officer.

5. Accordingly, Mr. G.C. Pant, Chief Post Master was directed to remain personally present in the Court with all relevant records on the next date of hearing to clarify the contradictory communication.

6. Mr. G.C. Pant, Chief Post Master is present in the Court and submits that the information under RTI Act given to the petitioner is due to some communication gap. However, the same may be ignored.

7. Mr. Pant has undertaken not to repeat such type of mistake in future.

8. The fact remains that before issuing the recovery certificates the petitioners were not put on notice. No opportunity was given to the petitioners of being heard. It is a violation of natural justice.

9. In view of above, recovery notices dated 30.04.2014 is hereby quashed.

10. Respondent No.1 is directed to pass a fresh order after giving opportunities to the petitioners in accordance with law.

11. In view of above, the petition is allowed with no order as to costs.

12. I here make it clear that if the petitioners succeed before respondent No.1 that no dues are pending against them, they will have the liberty to sue for the charges / damages incurred in contesting the cases or in getting the information from the respondent No.1. CM. No.8200/2014 With the disposal of the instant petition, instant application has become infructuous and disposed of as such. SURESH KAIT, J AUGUST12 2014 jg

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