

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No.585 of 1992

Date of Decision: 26.7.1993

Mahalakshmi Agnikula

Applicant(s)

VERSUS

Union of India & Others

Respondent (s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? M
2. Whether it be circulated to all the Benches of M
the Central Administrative Tribunals or not ?

MEMBER (ADMINISTRATIVE)

26.7.93

VICE-CHAIRMAN

2/6-7-19

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CUTTACK BENCH: CUTTACK

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VERSUS

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Respondents

For the applicant:

M/s. R. Behera
S. A. Nayem
S. K. Misra,
Advocates

For the respondents

Mr. Ashok Mishra
Standing Counsel
(Central Government)

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C O R A M:

THE HONOURABLE MR. K. P. ACHARAYA, VICE-CHAIRMAN

AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

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JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to be issued to the opposite parties to allow her to withdraw her money from the Savings Bank Account bearing Nos. 1469047 and 1468970 in Girisola Sub-Post Office.

2. Shortly stated the case of the petitioner is that her husband, while working as a Peon in N.F.Railway at Jalpaigudi died in May, 1990. The petitioner accompanied by one Timaraju Agnikula (OP No.5) drew all the retiral benefits that ~~has~~ accrued in favour of her deceased husband, and without the knowledge of the petitioner, both the accounts mentioned above were requested to be operated ~~both~~ by the petitioner and OP No.5 jointly. Since the petitioner is not being allowed to draw the money, this application has been filed with the aforesaid prayer.

3. In their counter, the opposite parties maintain that the above mentioned Savings Bank Account is a joint (A) Account, viz. both the operators must sign in withdrawal slip and then only, money will be allowed to be withdrawn. Since OP No.5 is not joining with the petitioner to draw the money, the Postal authorities had no further option, but to reject the withdrawal application *filed by the petitioner*.

4. We have heard Mr. R. Behera, learned counsel for the petitioner and Mr. Ashok Mishra, learned Standing Counsel.

5. Mr. Behera, learned counsel for the petitioner appealed to our sentiments by saying that the petitioner is now suffering from cancer and death is knocking at her door. Unless she is allowed to withdraw some money, she cannot be able to give treatment to herself. Therefore, the Bench should give

appropriate directions.

6. We have utmost personal sympathy for the petitioner, but, our judgments must be followed by law. There was no dispute presented before us that the accounts mentioned above are joint. A Account. Rule is very clear that Joint-A Accounts are operated by more than one person and both the operators must sign in withdrawal slip. Even though OP No.5 is not cooperating with the petitioner to join her and sign the withdrawal slip, we have no jurisdiction to force him to sign. There may be some force in the contention of Mr. Behera that OP No.5 is waiting for death of the petitioner, so that he could draw the entire amount, but we cannot come to a positive conclusion that this contention of Mr. Behera, on instructions is true or correct. Be that as it may, under the rules, we cannot give any decree in favour of the petitioner because of the fact that both the operators must sign in the withdrawal slip. Hence we find no merit in this application, which stands dismissed leaving the parties to bear their own costs.

1993
MEMBER (ADMINISTRATIVE)

26/7/93 Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 26.7.1993/B.K.Sahoo

L.K.Sahoo
26.7.93
VICE-CHAIRMAN

