

*** THE HONOURABLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

+ TAKEN UP WRIT PEITION (PIL) No.376 OF 2018

% Date: 22-01-2019

In Re- .. Petitioner

v.

\$ Union of India, represented by its Secretary,
Department of Postal and Telegraph,
Government of India, New Delhi & 3 others .. Respondents

! Counsel for the Petitioner :

^ Counsel for respondent Nos.1 & 2 : Sri Gadi Praveen Kumar
S.C. for Central Government

Counsel for respondent No.3 : GP for Law Legislative Affairs
(TG)

Counsel for respondent No.4 : S.C. for High Court of TS

< **GIST:**

> **HEAD NOTE:**

? **CASES REFERRED:**

C/15

**THE HONOURABLE THE CHIEF JUSTICE
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TAKEN UP WRIT PETITION (PIL) No.376 OF 2018

ORDER: (Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

During the course of adjudication of different matters, this Court noticed that appropriate endorsements are not made on postal articles, which were being returned to the High Court without being duly served. Therefore, an order was issued on 06.12.2018 by the Chief Justice requiring the registration of this public interest litigation as a taken up matter with the intention to have requisite streamlining of matters in relation to service of notice through the institutions called Post Offices falling under the Indian Post Office Act, 1898. The said order reads as follows:

“During the course of adjudication of different matters, it is noticed that appropriate endorsements are not made by officers of the post offices as required by the Indian Post Office Act, 1898, for short, “the IPO Act”, and the Rules framed thereunder, as well as other allied primary legislations and Rules. The expression ‘officer of the post office’ includes any person employed in any business of the post office or on behalf of the post office, as defined in Section 2(e) of the IPO Act. Chapter X of that Act contains various penalties and procedures. Sections 49 to 56 in that Chapter deal with different penalties for

misconduct of person employed to carry or deliver mail bags or postal articles. A wholesome consideration of Sections 50 to 56 would show that abundant confidence is bestowed by the legislature on the officers of the post office. The public confidence that is built on the basis of those administrative procedures, necessarily catapults the requirement to push forward the penal provisions; whenever and wherever; the officers of the post office commit offences punishable under those provisions.

2. As the Chief Justice of the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, and therefore, the primary guide for judicial administration in the twin States of Telangana and Andhra Pradesh, I am constrained to make the aforesaid observations in the backdrop of the fact that it is a matter of record of this Court that different postal articles issued by this Court to litigants, who are arrayed as respondents, are returned with “casual endorsements” including that ‘the addressee left’, ‘the addressee has left the village’, ‘there was no such addressee’, ‘not a correct address’ etc. There are no dependable endorsements in many other cases. This can be easily demonstrated with reference to the fact that even in matters which come up to this Court in the form of transfer petitions and also appeals or revisions from *interlocutory* orders, the respondents who had generated the litigations in the subordinate courts are not served with notices and such postal articles and the postal articles even to such litigants are merely returned as if those persons are not traceable by the postal department.

3. Such endorsements, to trained judicial minds, are perverted and ridiculous breach of duties by those ordained to deliver postal articles; as duly empowered by the laws. We need to pierce the veil and look ahead because if the public confidence in the postal department is lost, a great element of confidence in the whole system of deliverance of justice will also be shaken by the inordinate delay, to which non-service of notices contributes a lot. Much litigations arise in relation to family matters. Litigation arises also in relation to different other matters; many of them having been generated even from matters pending before the trial Court. Even in cases where notices are sent from the High Court by Registered Post with Acknowledgement Due to addresses of plaintiffs and other parties, who have instituted the matters before the Subordinate Courts, utilizing the addresses shown by such parties themselves in the proceedings of the Courts below, are merely returned with no requisite effort being taken to serve those notices. My judicial wisdom, which is a matter of my head, bleeds along with my heart; for the unfortunate litigants, who await service of notice in different such matters. I cannot but observe that this situation needs immediate attention of higher-ups in the postal department. Initially; to achieve it, it is necessary to alert and streamline the officers of the post office and the system as well. Thereafter, if needed, the higher-ups in the postal department hierarchy ought to consider taking appropriate action on unworthy elements in the postal service, who are shown to have proved their credibility to be in breach, by their conduct. Stern action needs to be taken

against those who deserve to be shown the door in accordance with law.

4. All the aforesaid apart, such unsolicited intrusion into the process of delivery of notices issued by the Courts will not merely be disobedience of judicial commands, but would also be omissions which can be rated as 'activities which would be in breach of duties and responsibilities of the officer of the post offices'. That way, the erring officers of that sector could also be treated as those who are interfering with the course of justice. Such interference cannot but be perilous to the judicial process. All such intruders would necessarily have to be drawn, inferentially, to be either laced in corruption or favouritism to the near and dear, or to those who have greased with palms of the greedy. All such situations could be those which result in unlawful interference and intrusion into the judicial process. That would result in interfering with the course of justice, even on foundations of law relating to contempt of courts.

5. We have before us Adv. G.Praveen Kumar, on behalf of the Central Government, who is hereby authorized to communicate the contents of this Order to the Post Master General of the State of Telangana and obtain reports from that end touching the matter since it is the requirement that this issue is carried forward further to put things in a progressive mode, through the requisite due process if we see that any such action is required further.

6. Registry is directed to take this as an Order for registration of Public Interest Litigation, as taken up matter, and list the same on 28.12.2018 showing (i) The Union of India, represented by the Secretary to Government, Department of Posts, Government of India, New Delhi; (ii) The Chief Postmaster General, Telangana Circle, Dak Sadan, Abids, Hyderabad; (iii) The State of Telangana, represented by the Principal Secretary, Department of Law and Justice, Secretariat, Hyderabad; and (iv) High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh; represented by its Registrar General; as the respondents. Registry is also directed to show the names of the advocates in the cause list. Issue copy of this Order to the concerned for expeditious processing of matters to be carried through the officers of the post office concerned.”

2. It appears that on being notified of the contents of the aforesaid order, the Chief Postmaster General, Telangana Circle, took up the responsibility of addressing the issues by holding reviews with the officers in the light of the Central Government Counsel’s opinion, which was also sought for. Resultantly, the Chief Postmaster General has addressed all the Postmasters General on 15.12.2018, issuing instructions for strict compliance. We have gone through the said communication, which is placed on record as Annexure - R2. It reads as follows:

“This is regarding irregular return of registered / accountable articles containing the court notices to

be addresses booked by Hon'ble Courts / Advocates. In this connection, kindly refer various news items published in News papers on 15.12.2018 and WP (PIL) SR No.73/127/2018 & WP (PIL) SR No.73128/2018 filed in the Hon'ble High Court for the states of Andhra Pradesh and Telangana. Copy of the Hon'ble High Court, Hyderabad order dated 06.12.2018 passed by the Hon'ble Chief Justice is enclosed for ready reference. The Hon'ble Chief Justice has taken a serious view in the matter and ordered to file a report on or before 24.12.2018 with directions to take up the matter seriously by deputing the officers concerned to depose on behalf of the Department with regard to guidelines for service of notices Post receipts etc., issued to the Post Masters / officials concerned.

Further, a copy of the letter dated 14.12.2018 received from Sri Gadi Praveen Kumar, Central Government Counsel, Armed Forces Tribunal Counsel, High Court of Judicature at Hyderabad containing the instructions on the nature of action to be taken on the order passed by the Hon'ble Chief Justice of High Court, is enclosed.

In this connection, the following instructions are issued for strict compliance:

1. All Divisional Heads should be directed to collect the data with details of accountable articles booked during the period from 01.07.2018 (month-wise) to till date and analyze to find out the number of articles returned undelivered to the sender and

also remarks noted by the delivery staff on all such returned articles in the enclosed proforma (Annexure-I & Annexure-II) and submit the information to reach this office by 19.12.2018.

2. All Divisional Heads / Sub Divisional Heads to make surprise visits on 17.12.2018 to important delivery offices and check the articles in deposit to find out the remarks noted by the delivery staff in r/o articles booked by Hon'ble Courts / Advocates.

3. The genuineness of the remarks noted by the delivery staff on all such articles should be test checked through PRI (P) / IP/ASPs by personally visiting the premises of the addressee recorded on such articles and report the result.

4. All the Postmasters /Sub Postmasters and supervisory / operative staff of all delivery post offices should be adequately sensitized in the matter and ensure that maximum number of articles booked by the courts /advocates should be got delivered and in r/o articles returned due to genuine reasons should be checked thoroughly to ensure that correct remarks are recorded with reasons for return of all such articles. The genuineness of remarks recorded by the delivery staff should be confidentially got verified through PRI(P)s/IPs/ASPs and also over phone incase phone numbers are available on the articles.

5. While booking the articles by the Hon'ble High Court/other Courts/Advocates, the staff at the counters should ensure that full address with mobile number is available on all such articles. In case, the

address is found insufficient, the senders may be suitably advised to record the full address so as to ensure delivery of articles without giving scope for returning them to sender.

6. It should be ensured that in r/o articles returned the remarks to be recorded on return articles should be in standard form as prescribed in the Manuals. If any false remarks in shortcut / abbreviated words are found recorded by any delivery staff, stringent action should be taken against all such delivery staff and they should be properly guided to avoid such incidents in future.

7. All Post offices should maintain the register showing the number of accountable articles booked by Hon'ble Courts / Advocates. In r/o delivery offices the details of accountable articles returned undelivered to Hon'ble courts/advocates should be entered in the said register with reasons for return if any office / official is found to be in the habit of returning the articles without making any efforts to deliver the articles to addressee and a special watch to be kept on all such offices / officials and severe action should be taken against all such officials.

8. The delivery staff should be made aware of the importance of the prompt and correct delivery of court notices to the addresses and ensure that the maximum number of articles to be delivered and in case of return of any articles, they should be returned with proper /genuine remarks without giving scope for adverse criticism from the Hon'ble courts / advocates.

9. The Divisional Heads should convene meeting with all the advocates and also the staff of the courts who used to attend the post offices for booking of accountable articles containing the court notices and to brief them on the importance of writing complete and correct addresses of the addressee with correct PIN code so as to ensure delivery of all the articles without returning to senders. They may also be requested to record the mobile number of the addressee to give intimation to them about the receipt of the articles and also to verify the genuineness of the remarks recorded by the delivery staff.

I hope you would appreciate the seriousness of the order passed by the Hon'ble Chief Justice of High Court of Judicature for the States of Telangana and Andhra Pradesh. I request you to take all remedial measures as per the above instructions and ensure that no such instances recur hereafter and establish a monitoring mechanism at the sub divisional / Divisional / Regional level. All Divisional Heads should be directed to take immediate action on the above lines and submit action taken report to reach me by 19.12.2018. As directed by the ASGI, PMG (HQR) is requested to file the report on behalf of the Circle on 21.12.2018 in the Hon'ble High Court duly vetted by ASGI and defend the case. As directed vide para 4 of letter dated 14.12.2018 of Sri Gadi Praveen Kumar, all the Divisional Heads / Chief Postmaster, Hyderabad GPO in twin cities may be directed to attend before Sri Gadi Praveen Kumar, Central Government

Counsel, Armed Forces Tribunal Counsel, High Court of Judicature at Hyderabad at 6.00 PM on 21 Dec 2018 and brief him the action taken by them in the matter. Both the Directors to be available during this meeting for proper coordination.”

3. In view of the aforementioned material, we see that the Chief Postmaster General, and the team of officials under his command have identified the bottlenecks and are on the way forward to liquidate them. We are satisfied that the Chief Postmaster General and the Postmasters General under his command are not only conscious of the problems and their enormity, but have also traced for themselves, the modalities to face the situations noticed. They have shown the vigour to ensure that the process needs to be streamlined in terms of what is contained in the letter dated 15.12.2018, referred to above. That process ought to be a continuing one, so that there will be regulation and performance audit of officials as has been found required by the Chief Postmaster General. Therefore, we record the contents of the letter dated 15.12.2018 issued by the Chief Postmaster General to the Postmasters General and direct all the officials concerned to follow, in letter and spirit, the directions given by the Chief Postmaster General which are hereby incorporated as directions of this Court through this judicial order. The directions issued by the Chief Postmaster General shall be, thus, effectuated except at the peril of such official, who is noticed by the Chief Postmaster General to

have erred in obeying the commands contained therein. It is so ordered.

4. Before parting, we place on record our appreciation for the efforts taken by Brig. B. Chandrasekhar, the Chief Postmaster General, and the support given by the Central Government Counsel Sri Gadi Praveen Kumar, whose assistance was taken by the postal department to ensure that the issue raised is being addressed on war footing and with requisite care and caution.

5. The Taken Up Writ Petition (Public Interest Litigation) is ordered accordingly. No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any pending, stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

A. RAJASHEKER REDDY, J

January 22, 2019.

NOTE:

L.R. Copy to be marked. (BO) PV