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IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 18858 OF 2025

In the matter of an application under Articles 226 & 227 of the Constitution of India.

Priyadarsini Das **Petitioner**

-Versus-

Union of India & Ors. **Opp. Parties**

Advocates appeared in this case:

For Petitioner : M/s. Parsuram Panda, P.K. Satapathy
& S. Pati, Advocates

For Opp. Parties: Mr. P.K. Parhi, DSGI with Mr. D.
Golchhayat, CGC.

CORAM:

THE HON'BLE MR. JUSTICE DIXIT KRISHNA SHRIPAD

J U D G M E N T

Date of hearing & judgment : 22.09.2025



PER DIXIT KRISHNA SHRIPAD,J.

The short grievance of the petitioner is as to she not being permitted to close her fixed deposits in a premature way.

2. Learned counsel for the petitioner, drawing attention of the Court to amended Rule 8(d) of the National Savings Time Deposit Scheme, 2019 as published vide notification dated 07.11.2023, submits that premature encashment of the fixed deposit is not completely embargoed and therefore, it should be permitted by the OPs. He also highlights the necessity for premature encashment of the fixed deposits, namely, the marriage.

3. Learned Penal Counsel appearing for OPs submits that the text of Rule 8(d), relied upon by the petitioner, in Notification dated 07.11.2023 is as clear as Gangetic Waters and it does not permit premature encashment prior to the expiry of four years, five years being the term of deposit. He also draws attention of the Court to the Order dated 14.11.2023, which is structured on the basis of the said rule in the Notification. So contending, he seeks dismissal of the petition.



4. Having heard learned counsel for the parties and having perused the petition papers, this Court is inclined to grant indulgence in the matter for the following reasons:

4.1. Petitioner is badly in need of money for the marriage in the family. It is her own money, which she has parked in five deposits in question for a fixed period of five years. Hindu Law recognizes three traditional necessities, namely, *aapaatkaale*, *vyaahaarika* & *kutumbaarthe* vide ***Hanoomanpersaud Pandey vs Mussamat Babooee***, 6 MIA 393. Therefore, it cannot be gainfully argued that petitioner has no pressing need for the funds. After all, the funds in deposit belong to her and not to the Entity, which holds her money in deposit. Ordinarily, owner of a thing is entitled to make use of it in any way he/she desires, unless the law otherwise provides for.

4.2. The submission of learned counsel for the OPs that subject Rule of the said Notification comes in the way of premature encashment of deposits, is bit difficult to countenance. Let me analyze the Rule in question, which reads as under:



“8.(d) Where a deposit in a five-year account is withdrawn prematurely after four years from the date of opening of account, interest shall be payable at the rate applicable to Post Office Savings Account;”

It is not a Statute/Act. It is only in the nature of subordinate legislation, which needs to be interpreted with a bit leniency, such leniency availing from its very text. It does not begin with negative phraseology, such as “No premature encashment/withdrawal of deposit is permitted”. The Rule 8(d) specifically provides for premature encashment. However, the thrust of the rule is the rate of interest payable on the deposit, when it is withdrawn after four years, but before maturity. Such a rule, with the text reproduced above, cannot be treated as putting a complete embargo against premature withdrawal. This being said, this Court does not express any opinion as to payment of interest, when premature withdrawal is done.

In the above circumstances, petition is allowed; impugned letter No.12/2025 dated 05.08.2025 is quashed; a Writ of Mandamus issues to OP Nos.2 to 4 to permit the petitioner to encash/withdraw the deposits in question within two weeks, so that the imminent marriage ceremony is



performed and a new family is set up as a productive unit of society. Delay would carry interest at the rate of 1% per mensem personally payable by the OPs.

Web copy of judgment to be acted upon by all concerned.

***Dixit Krishna Shripad
Judge***

***Orissa High Court, Cuttack
The 22nd September, 2025/Prasant***