

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.33369 of 2015

ORDER:

Heard Sri P. Venkateshwer Rao, learned counsel appearing for the petitioner and Sri B. Mayur Reddy, learned Standing Counsel appearing for the respondent-Corporation.

2. This writ petition is filed writ of *Mandamus* declaring the action of the respondents in recovering the amounts from the petitioner's salary in connection with the recovery of loan amount of one co-employee (A.Bhavani, Driver, E.280374) on the ground that the petitioner is surety for the loan amount, as arbitrary and illegal.

3. The petitioner is working as driver in the respondent-Corporation. While so, one of his co-employees, Sri A.Bhavani, E280374, driver in 3rd respondent-Depot borrowed a sum of Rs.6,00,000/- on 10.11.2008 from the 2nd respondent. It is submitted that when the said A.Bhavani was wrongly retired from service on 31.10.2012 by the Corporation, he filed WP No.8865 of 2013 before this court for correction of his date of birth and the same is pending and the retiral/ terminal benefits of the said A.Bhavani were also not paid to him and the same are with the respondents. But the respondents are recovering the amounts from the petitioner. Hence, he filed the present writ petition seeking direction to the respondents not to recover any amount from the petitioner.

4. It is agreed by both the learned counsel that the issue involved in the present case is squarely covered by the order dated 07.10.2015 in WP No.25147 of 2015 passed by this Court, wherein it was held as follows:

“....The respondents-Corporation being an organization of the State is under an obligation to follow its regulations and Circular instructions. As per the

Regulations and Circular instructions placed on record, it is obvious that the respondents-Corporation is under a duty to either recover from the amounts payable to the principal borrower after his removal from service or it can proceed against the property mortgaged by the principal borrower as security for the HBA loan. Admittedly, in the instant case, the respondents-Corporation did not take any steps to proceed against the principal borrower or the security furnished and acted in clear disregard of its own regulations and Circular instructions.”

5. In the circumstances, this writ petition is also disposed of in terms of the ratio laid down in the above case and the respondents are directed not to recover any amount from the petitioner’s salary in connection with the recovery of loan amount of one co-employee (A.Bhavani, Driver, E.280374) on the ground that the petitioner is a surety for that loan amount and further directed to repay the amount that was recovered from the salary of the petitioner, if any, within a period of eight (8) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

R.KANTHA RAO,J

Date: 12.10.2015

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HON’BLE SRI JUSTICE R.KANTHA RAO

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