

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.3961 of 2009

-

22.07.2015

Between:

N.Narsimha Reddy

...Petitioner

And

The Nalgonda District Cooperative Central Bank Limited, Nalgonda

...Respondent

Counsel for the petitioner: None appeared

Counsel for the respondent: Mr.T.Amarnath Goud

-

The Court made the following:

-

-

-

-

ORDER:

This writ petition is filed for the following substantive relief:

“.....to issue a Writ or direction one in the nature of Mandamus declaring the action of the respondent in issuing the Proceeding dated 30.01.2009 bearing No.Rc.No.Estt. /E3/F.88/2008-09 directing the Petitioner to remit an amount of Rs.12,34,570/- without conducting an enquiry after giving an opportunity to petitioner is arbitrary and against the principles of Natural Justice, illegal and the same may be set aside and direction may be issued to pay the gratuity, leave salary Group Insurance amount to the Petitioner and to pass any other order or orders.....”

At the hearing, there is no representation for the petitioner. However, Mr.T.Amarnath Goud, learned counsel for the respondent, has invited this Court's attention to paragraphs 8 and 9 of the counter-affidavit filed by the Chief Executive Officer (C.E.O.) of the respondent, wherein it is stated that as against the sum of Rs.4,36,580/- payable to the petitioner towards gratuity, a sum of Rs.57,374/- was deducted towards the overdraft loan availed by him and the balance sum of Rs.3,79,206/- has been credited to his savings bank account No.3367 at Head Office, Nalgonda, on 29.02.2009 and the same was communicated to him, *vide*

memo of C.E.O., dated 29.04.2009.

The learned counsel for the respondent further submitted that as the petitioner has retired, the respondent is unable to enforce the demand for Rs.12,34,570/-, with reference to which this writ petition is filed.

In the light of the above submission, the Writ Petition is dismissed as infructuous, however, without prejudice to the right of the respondent to approach the competent authority to pursue its claim against the petitioner.

As a sequel to dismissal of the writ petition, interim order, dated 31.03.2009 in W.P.M.P.No.5180 of 2009 is vacated and W.P.M.P.Nos.5180 of 2009 and 20576 of 2011 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

22nd July, 2015

GHN