

HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.4947 of 2001

ORDER:

This writ petition is filed seeking writ of mandamus or any other appropriate direction declaring the action of respondent No.3 vide letter dated 13.09.2000 in recovering the loan amount from the petitioners' salary as illegal, arbitrary and consequentially direct respondent No.2 to refund the recovered amount forthwith.

2. Heard learned counsel for petitioners, learned Standing Counsel for APSRTC (Corporation) and learned counsel for respondent No.3.

3. Petitioners herein stood as sureties for the loan sanctioned to respondent No.4 by respondent No.3-Society on the certification of Deputy Executive Engineer of the Corporation. According to petitioners, respondent No.4 in collusion with the Deputy Executive Engineer obtained loan without there being any construction and the Corporation issued proceedings for recovery of the loan amount from the sureties through the impugned proceedings dated 13.09.2000. Now it is submitted that petitioner Nos.2 to 4 are no more and petitioner No.1 has already retired from service. It is further submitted that the loan amount was also recovered. It is submitted that the writ against respondent No.4 was already dismissed and no steps were taken for setting aside the said order.

4. Advocate for Corporation submitted that the relief claimed has virtually become infructuous for not bringing the legal representatives of the deceased petitioner Nos.2 to 4 and also an account of realization of entire loan amount from the sureties. This contention is not disputed by petitioners' counsel.

5. Considering the submissions of both sides, the writ petition is dismissed as infructuous. No costs.

6. Miscellaneous Petitions, if any, shall stand closed.

S. RAVI KUMAR, J

21st August 2015.

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