

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.19147 of 2016

V.Viswanathan

.. Petitioner

Vs.

1.Tamil Nadu Civil Supplies Corporation
rep. by its Managing Director
No.12, Thambusamy Road
Kilpauk
Chennai-600 010.

2.The Senior General Manager (Administration)
Tamilnadu Civil Supplies Corporation
Cuddalore Region, Cuddalore.

.. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Declaration declaring the action of the respondents in recovering a total sum of Rs.2,84,700/- towards interest on the House Building Advance availed by the petitioner at the rate of 14.5% per annum as illegal and to consequently direct the respondents to calculate the interest at the rate of 7.5% upto Rs.50,000/-; 9% for Rs.50,001- Rs.1,50,000/- ; and 11% from the sum above Rs.1,50,001/- and refund the excess amount recovered from the petitioner with interest at the rate of 9% per annum from the date on which the excess amount is deducted till date of disbursement.

For Petitioner :M/s.Sai Bharath & Ilan

For Respondents :Mr.L.P.Shanmughasundaram
Special Government Pleader

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a writ of Declaration declaring the action of the respondents in

recovering a total sum of Rs.2,84,700/- towards interest on the House Building Advance availed by the petitioner at the rate of 14.5% per annum as illegal and to consequently direct the respondents to calculate the interest at the rate of 7.5% upto Rs.50,000/-; 9% for Rs.50,001- Rs.1,50,000/- ; and 11% from the sum above Rs.1,50,001/- and refund the excess amount recovered from the petitioner with interest at the rate of 9% per annum from the date on which the excess amount is deducted till date of disbursement.

3. The petitioner entered into service as Trainee Bill Clerk of the Tamil Nadu Civil Supplies Corporation, on 18.01.1981 and is presently working as Deputy Manager at Regional Office, Cuddalore. The petitioner applied for House Building Advance and he was totally granted a sum of Rs.3,13,305/- in the year 2000-01. The respondent Management has wrongly calculated interest at the rate of 14.50% per annum and had deducted a sum of Rs.2,84,700/- from the petitioner. In this regard, the petitioner has made a representation on 21.11.2014 followed by a reminder dated 02.02.2016, but, till date, there was no response and hence, this Writ Petition has been filed.

4. The learned counsel for the petitioner would submit that, though, the prayer in this Writ Petition is for a larger relief, he is restricting his claim and he would be satisfied, if a direction is issued to the 2nd respondent to consider the representation filed by the petitioner dated 21.11.2014 followed by the reminder dated 02.02.2016 seeking for refund of the amount of Rs.2,84,700/- erroneously deducted from the petitioner and to pass appropriate orders, in the light of the order passed by this Court in W.P.No. 40168 of 2005 etc. batch cases, which were filed by similarly placed persons, whereby, this Court allowed the Writ Petitions and directed the respondent Management therein to charge interest only at the rate of 7.50% or 9 % or 11 %, as applicable. Challenging the said Writ Petitions, the Management filed W.A.Nos.250 to 256 of 2012 and this Court, by judgment, dated 09.07.2012, dismissed the Writ Appeals, thereby, confirming the order passed in the Writ Petitions.

5. Mr.L.P.Shanmughasundaram, the learned Special Government Pleader, who takes notice on behalf of the respondents, would contend that he has got no objection, in directing the 2nd respondent to consider the representation of the petitioner and to pass appropriate orders, on merits and in accordance with law.

6. Taking into consideration that the petitioner has filed a representation before the 2nd respondent, on 21.11.2014 followed by the reminder on 02.02.2016, and the same is pending before him and also the fact that the petitioner has restricted his prayer, this Court, without going into the merits of the claim made by the petitioner, directs the 2nd respondent to consider the said representation of the petitioner and pass appropriate orders, in the light of the order passed by this Court in W.P.No. 40168 of 2005 etc., whereby, this Court allowed the Writ Petitions and directed the respondent Management therein to charge interest only at the rate of 7.50% or 9 % or 11 %, as applicable, after affording sufficient opportunity to the petitioner, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.

vj2

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director
Tamilnadu Civil Supplies Corporation
No.12, Thambusamy Road
Kilpauk, Chennai-600 010.

2.The Senior General Manager (Administration)
Tamilnadu Civil Supplies Corporation
Cuddalore Region, Cuddalore.

+ 1 cc to Mr.L.P.Shanmughasundaram, Advocate Sr 31001
+ 1 cc to M/s.Sai Bharath & Ilan, Advocate Sr 30974

KR/24/6/16

W.P.No.19147 of 2016