

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.22058 of 2016

T.Gunaputhiran

... Petitioner

Vs.

The Tamil Nadu Civil Supplies Corporation Ltd.,
Rep. by its Regional Manager,
No.38A/10, TNHB,
Nasiyanur Road,
Manickampalayam, Erode - 638 011.

... Respondent

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, to direct the respondents to consider the representation of the petitioner dated 02.05.2014 by refunding the amount collected in excess of the agreed rate of 11% interest with interest and pass orders within the time frame to be fixed by this Court.

For Petitioner : Mr.J.Titus Enock

For Respondents : Mr.L.P.Shanmuga Sundaram
Special Government Pleader

ORDER

By consent, the writ petition is taken up and disposed of at the admission stage itself.

2. The petitioner, while working as a driver in the respondent Corporation at Erode Branch, was sanctioned a House Building Advance of Rs.2,71,000/- by the respondent in its proceedings dated 31.05.2001.

3. According to the petitioner, the interest is to be charged at the rate of 11% from Rs.1,50,000/- upto Rs.4,00,000/-. Even though he paid the interest from May 2010 to October 2012, the respondent, by its order dated 14.12.2012, ordered for recovery of interest of Rs.1,77,691/-, i.e. at the rate of 14% p.a., without giving an opportunity of hearing. However, he paid the said amount and he attained the age of

superannuation on 28.02.2013. Since the respondent has refunded the excess collection of the interest amount beyond the agreed rate of interest to the other similarly placed employees, he made a representation dated 02.05.2014 to the respondent seeking refund of the excess amount collected at the rate of 14% p.a. But, there was no response from the respondent. Hence, the petitioner has filed the present writ petition.

4. The learned counsel appearing for the petitioner submitted that the similarly placed employees filed a writ petition in W.P.No.3133 of 2005 before this Court, seeking refund of interest amount and this Court, by an order dated 22.07.2011, quashed the proceedings of the respondent. Based on the same, the respondent has refunded the excess collection of interest amount beyond the agreed rate of interest. The said order is squarely applicable to the petitioner also. Hence, he prayed for allowing this writ petition.

5. The learned Special Government Pleader appearing for the respondents submitted that the respondent would consider the representation of the petitioner dated 02.05.2014.

6. Considering the facts and circumstances of the case, this writ petition is disposed of by directing the respondent to dispose of the representation of the petitioner dated 02.05.2014, in the light of the order passed by this Court in W.P.No.3133 of 2005, dated 22.07.2011, as well as on merits and in accordance with law, as expeditiously as possible. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

The Regional Manager,
The Tamil Nadu Civil Supplies Corporation Ltd.,
No.38A/10, TNHB, Nasiyanur Road,
Manickampalayam, Erode - 638 011.

+1cc to Mr.J.Titus Enock, Advocate, S.R.No.40453

+1cc to Mr.L.P.Shanmuga Sundaram, Advocate, S.R.No.40687

W.P.No.22058 of 2016

GJ(CO)

CA(09/08/2016)