

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6815 of 2016

R.Devaraj

... Petitioner

Vs.

1. The Secretary to Government,
Finance Department (Expenditure & Financial Services),
Government of India, Central Secretariat,
New Delhi.

2. The Pension Officer,
Pension Office, DPI Campus,
College Road, Chennai-600 006.

3. The Chief Manager,
State Bank of India,
Saidapet Branch at Nandanam
Branch Code No.0912
Periyar Building,
Anna Salai, Nandanam,
Chennai-600 035.

4. The Manager (SARC Wing),
State Bank of India,
No.4/952 & 4/952A, 3rd Floor,
Rajiv Gandhi Salai,
Perungudi, Chennai-600 096.

... Respondents

PRAYER : 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 28.1.2016 in the manner it deserves and to take such action as is necessary to re-imburse the petitioner with a sum of Rs.8,48,600/- which the 3rd respondent herein deducted for the recovery of educational loan (ETL No.10610866904) from the petitioner's monthly pension from the petitioner's S.B.A/c.No.10610809399.

For Petitioner

: Mr.S.P.Yuvaraj

O R D E R

This Writ Petition has been filed, praying for the issuance of Writ of Mandamus, to consider the representation of the petitioner dated 28.1.2016 in respect of reimbursement of the amount recovered from his monthly pension towards educational loan.

2. According to the petitioner, he is a retired PG Teacher and he stood as guarantor for educational loan applied by his son R.D.Sathya Narayana and obtained from the 3rd respondent bank for a sum of Rs.6,00,000/-. The petitioner is getting pension through his S.B.Account maintained with the 3rd respondent bank vide S.B.A/c.No.10610809399). The grievance of the petitioner is that taking advantage of the account maintained by the petitioner with the 3rd respondent bank, the 3rd respondent has deducted the amounts from his pension amount deposited in his account and appropriated a total sum of Rs.8,61,800/- from 20.4.2000 to till date and the petitioner was not intimated the details of the amounts recovered from his account. The petitioner made representations dated 23.12.2015 and 28.1.2016 to reimburse the amounts deducted from his monthly pension in view of the decision of the Hon'ble Supreme Court in "Radhey Shyam Gupta versus Punjab National Bank and another" reported in (2009) 1 SCC 376. But there was no reply. According to the petitioner, as per the policy of the Government, the amount advanced by way of loan to a candidate to pursue his higher education could be recovered only from the said candidate and that too after he completes the course and settles in a job. Hence, the petitioner has come forward with the present writ petition.

3. When the writ petition is taken up for consideration, the learned counsel appearing for the petitioner would submit that since the representation made by the petitioner, dated 28.1.2016 is pending with the third respondent, it would be suffice to direct the third respondent to consider and dispose of the same in the light of the judgment of the Hon'ble Supreme Court in "Radhey Shyam Gupta versus Punjab National Bank and another" reported in (2009) 1 SCC 376.

4. Considering the facts of the case and the submission now made by the learned counsel for the petitioner, the third respondent is directed to consider the representation, dated 28.1.2016 made by the petitioner and pass appropriate orders therein in accordance with law and in the light of the decision cited supra, within a period of six weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1. The Secretary to Government,
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1 cc to M/s. S.P. Yuvaraj, Advocate, Sr. 14630
1 cc to M/s. Ramalingam and Associates, Sr. 14543

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