

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5324 OF 2008

ORDER :

This Writ Petition has been filed to declare the action of the respondents in recovering an amount of Rs.824/- per month from the salary of the petitioner towards discharge of the loan amount advanced by the 3rd respondent – Andhra Pradesh State Trading Corporation Limited through Andhra Pradesh State Road Transport Corporation, as illegal and arbitrary.

The case of the petitioner is that while working with the 1st respondent Depot, in 1999, he availed Rs.15,000/- as loan to purchase the consumer durable from the 3rd respondent and the same has to be repaid in equal monthly installments. The entire loan amount was accordingly deducted, but however, to his surprise, the 3rd respondent instructed the APSRTC to deduct an amount of Rs.41,641/- from his salary. When the petitioner approached the 1st respondent, he was informed that though the amount was recovered from his salary, the same was not remitted to the 3rd respondent and mistakenly, it was remitted to some other loan account, but the 1st respondent has still been continuing to recover the amount from his salary, is the complaint of the petitioner in this Writ Petition.

A counter-affidavit has been filed on behalf of the respondent Corporation, in paragraph 3 of which, it has been categorically stated as under:

“ It is submitted that the writ petitioner was appointed as a driver on 01.07.1986. He availed a loan of Rs.29,675/-

for purchase of colour TV and purchase date is 13.03.2001. The loan was repayable in monthly instalments @ Rs.824/- in 36 installments. An amount of Rs.824/- was recovered from his salary in April, 2001 and was sent to APSTC. Thereafter, the writ petitioner was suspended w.e.f. 06.04.2001. Upon lifting the suspension, he was posted to Badvel Depot. He reported for duty at Badvel Depot on 30.06.2001. The subsequent recoveries from that date were effected at Badvel Depot. He again transferred to Rajampet Depot and reported for duty on 11.09.2003. An amount of Rs.824/- per month was recorded w.e.f. September 2003 to October 2003 and the same was sent to M/s Kinetic Lease and Finance Company, Pune instead of depositing with APSTC. APSTC has subsequently written a letter to the Depot Manager stating that certain amount was due from the writ petitioner. As per the records from November 2003 to January 2004, monthly installments @ Rs.824/- were recovered and were sent to APSTC. No recovery was effected w.e.f. February 2004 to 2007. As per the letter dated 11.10.2007 by APSTC to the Depot Manager stating that amount of Rs.41,641/- was due from the writ petitioner, the recoveries were made. Recoveries were effected from October 2007 to March, 2008 as per the said letter.”

Having considered the material placed on record and having heard the arguments of the learned counsel for the petitioner, at the outset, this Court is of the opinion that the Writ Petition is totally misconceived as the relationship between the petitioner and the respondents is contractual in nature. It is not in dispute that the petitioner had agreed to be financed through the 3rd respondent for purchase of a TV under the scheme offered by it subject to the condition that necessary monthly installments towards repayment should be effected by the 1st respondent Corporation. There is no dispute with respect to either installment amount to be deducted or the interest payable thereon. It is also

not the case of the petitioner that the amount paid by him to the 3rd respondent was not given any credit. Further, there is no material before this Court to come to the conclusion that the petitioner had paid the monies as claimed by him and the same has been credited to the 3rd parties accounts. On the contrary, the respondent Corporation had placed the material evidencing deduction of only nine installments. In those circumstances, there is no merit in the Writ Petition.

Accordingly, the Writ Petition stands dismissed. The respondent authorities shall be entitled to recover the monies from the petitioner and remit the same to the 3rd respondent. No costs.

Consequently, the miscellaneous Applications, if any shall also stand dismissed.

30th November 2016

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CHALLA KODANDA RAM, J

