

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15402 of 2017

K.Vijayakumar

..Petitioner

-vs-

1. The General Manager
Tamil Nadu Government
Transport Corporation
Coimbatore Division
Coimbatore District

2. The Chairman & Managing Director
Indian Overseas Bank
Anna Salai
Chennai 600 002

3. The Branch Manager
Indian Overseas Bank
Kotagiri Branch
Kotagiri Taluk
Nilgiris District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the third respondent to consider and pass an order on the petitioner's representation dated 01.06.2017 with regard to disbursement of pension from October 2016 within a stipulated time as fixed by this Hon'ble Court.

For Petitioner:: Mr.V.Chinnasamy

For Respondents:: Mr.P.Kannankumar for R1

ORDER

The petitioner, having served as Conductor in the first respondent Corporation, on reaching the age of superannuation, retired from service with effect from 31.10.2015. Thereafter, he has been receiving the pension through Pension Pay Order No.6120 from the third respondent. However, his complaint is that he was not paid with the pension from October, 2016 by the third respondent. Therefore, when he approached the office of the third respondent and asked for his pension, he was informed that one Tmt.B.K.Lakshmiammal had borrowed a loan from the third respondent by mortgaging her property, for which the petitioner stood as guarantor. Since the said Tmt.B.K.Lakshmiammal did not

repay the loan to the bank, his pension was not paid. However, a letter was sent by the said Tmt.B.K.Lakshmiammal to the third respondent requesting to sell her mortgaged property and to adjust the proceeds for the borrowed loan. Since the third respondent has not taken any steps for selling the property in public auction to recover the loan amount, the third respondent cannot withhold the pension payable to the petitioner. Therefore, the representation sent by the petitioner on 1.6.2017 may be directed to be disposed of on merits within a stipulated time, as the petitioner is not able to receive the monthly pension.

2. Mr.P.Kannankumar, learned standing counsel for the first respondent, sought four weeks time to consider the case of the petitioner on the basis of his representation.

3. When the petitioner was already allowed to retire from service, his representation can be considered. Therefore, the respondents are hereby directed to consider and dispose of the representation of the petitioner within a period of four weeks from the date of receipt of a copy of this order, on merits. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

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Kotagiri Taluk
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+ 1 cc to Mr.V. Chinnasamy, Advocate SR.43033

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NR(CO)
EU 29.6.17