

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 1286 of 2009

ORDER:

1) The present writ petition came to be filed with the following relief:

“i) declare the action of the second respondent in demanding payment of Rs.70,457.50 towards outstanding principal amount of Rs.4,120/- of House Building Advance, as a precondition for return of original title deed of petitioner's house as illegal, arbitrary and set aside the proceeding No.E2/ 693(2)/ 07-DM:NZB-II, dated 10.09.2008 issued by the second respondent.

ii) consequently direct the respondents to return the original title deeds of petitioner's house and also refund his salary for the month of December, 2007 amounting to Rs.14,301/- along with admissible interest.”

2) The averments in the affidavit filed in support of the writ petition are to the effect that the petitioner was appointed in Andhra Pradesh State Road Transport Corporation (hereinafter referred to as “the Corporation”) on 13.02.1975. While the petitioner was working at Kamareddy depot, he obtained house building advance of Rs.56,430/-. The said amount was recoverable in twelve years by way of monthly equated instalments from the salary of the petitioner. Before disbursement of House Building advance, the original title deeds

of the property were kept with the second respondent. The grievance of the petitioner is that from 2002 onwards, the authorities did not deduct any amount from his salary towards payment of house building advance and after his retirement the Corporation issued the impugned notice by calculating interest on principal and penal interest on principal and interest thereon. Challenging the same, the present writ petition has been filed.

3) Learned counsel for the petitioner would submit that an amount of Rs.40,500/- was released in three instalments on 21.11.1986, 21.12.1986 and 11.04.1988. It is his case that the loan amount was recoverable in 236 monthly instalments ie. Principal in 176 instalments and the interest in the remaining instalments. The grievance of the petitioner is that from 2002 onwards, the authorities did not deduct any amount from his salary towards payment of house building advance and after his retirement, the impugned notice came to be issued calculating the penal interest on the principal and penal interest on non-recovery portion of the interest. He also submits that an amount of Rs.14,000/- towards his last month salary was also not paid and the same was directed to be adjusted.

4) Learned Standing Counsel for the respondents would submit that there is no illegality in issuing the demand notice but however admits that the respondent-Corporation did not deduct any amount from the salary of the petitioner from 2002 to 2007. Insofar as the non-payment of last month salary, it is submitted

that the same is subject matter of dispute which needs a detailed enquiry before the appropriate authority or the said issue is to be considered by the authorities when a representation is made by the petitioner.

5) The grievance of the petitioner is that the respondent-Corporation kept silent from 2002 to 2007 without recovering the amount from his salary towards house building advance and after his retirement issued the impugned notice imposing penal interest. The same is not disputed by the learned counsel for the respondent-Corporation. Having regard to the facts in issue, this Court is of the view that interest of justice would be met if the petitioner is directed to pay the principal amount and the interest accrued thereon till December, 2002. In view of the representation made by the learned Standing Counsel for the respondent-Corporation, insofar as the non-payment of last month salary, the petitioner is directed to give a representation to the authorities concerned, in which event the same shall be considered in accordance with law, at the earliest.

6) With the above direction, the writ petition is disposed of. There shall be no order as to costs.

7) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

09.08.2017
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