



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.368 of 2018

and

W.M.P. (MD) .Nos.384 & 385 of 2018

K.Pandi

... Petitioner

Vs.

1. The General Manager,
Tamil Nadu State Transport Corporation,
Maruthupathi Nagar,
Karaikudi, Sivagangai District.
2. The Tamil Nadu State Transport Corporation,
Co-operate Thrift and Credit society,
Maruthiruvar Nagar, Karaikudi,
Sivagangai District.
3. The Branch Manager,
Tamil Nadu State Transport Corporation,
Rameswaram Branch,
Rameswaram Taluk,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order dated 16.08.2017 issued by the respondent and quash the same and consequently direct the respondent to remit the deducted amount of Rs.65,000/- which was already deducted in the petitioner's salary.

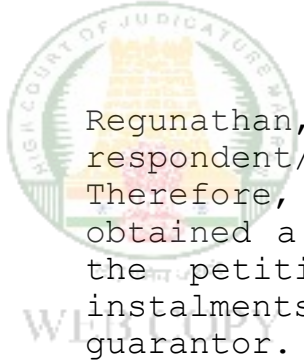
For Petitioner : Mr.M.Subash Babu
For Respondents : Mr.D.Sivaraman for R1 and R3
: Mr.P.Mahendran for R2

ORDER

Heard the learned counsel on either side.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The petitioner is working as a Conductor in the first respondent/ Corporation. He stood as a guarantor for one



Regunathan, when they availed loan from the second respondent/Society. The said Regunathan committed default. Therefore, the second respondent/Society took legal action and obtained a garnishee order. Based on the same, from the salary of the petitioner, the said loan amount is deducted in monthly instalments. The petitioner does not deny that he stood as a guarantor. There is also no denial with regard to the liability of the said Ragunathan.

3. Therefore, no case is made out for interfering with the impugned order, dated 16.08.2017. It is only an enforcement of the petitioner's liability. It is always open to the petitioner to step into the shoes of the creditor and proceed against the estate of the principal borrower.

4. With this observation, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 44964
+ 1 CC TO Mr.M.SUBASH BABU, ADVOCATE IN SR No. 44954
+ 1 CC TO Mr.P.MAHENDRAN, ADVOCATE IN SR No. 44555

TSG
TE/SV-MMS/SAR-2 : 13/02/2018 : 2P/4C

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