



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2018

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.[MD]No.14947 of 2018

and

W.M.P.[MD]No.13513 of 2018

M.Rajappa

: Petitioner

Vs.

1.The Chief Educational Officer,
Pudukottai District,
Pudukottai.

2.The Block Educational Officer,
Avudaiyarkoil,
Pudukottai District.

3.The Special Officer,
Aranthangi Panchayat Union Employees,
And Teachers Thrift & Credit Society Ltd.,
Aranthangi.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to issue the Last Pay Certificate (LPC) to the petitioner in pursuance of the letter of the undertaking given by petitioner in letter dated 03.07.2018 for recovery of the entire loan due from his salary within a time frame that may be fixed by this Court.

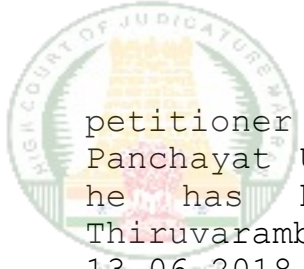
For Petitioner : Mr.K.Ponnaiah
For Respondents 1 & 2 : Mrs.S.Srimathy,
Special Government Pleader
For Respondent No.3 : Mr.R.Murugan

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the second respondent to issue the Last Pay Certificate (LPC) to the petitioner in pursuance of the letter of undertaking given by the petitioner in letter dated 03.07.2018 for recovery of the entire loan due from his salary.

2.Heard Mr.K.Ponnaiah, learned Counsel appearing for the petitioner, Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.R.Murugan, learned Counsel appearing for the third respondent.

3.The learned Counsel for the petitioner would submit that, the



petitioner was working as Middle School Head Master at Velvarai Panchayat Union Middle Schools in Pudukkottai District from where, he has been transferred as Block Educational Officer of Thiruvarambur Panchayat Union, Trichy Educational District on 13.06.2018 and the petitioner joined in the transferred place and has been working. When the petitioner requested the second respondent to issue the Last Pay Certificate and also the service record to be issued or to be forwarded to the present employer, the same has not been acceded to, by the second respondent on the alleged reason that, since the petitioner had obtained loan from the third respondent society, unless he gets and produces the 'No Due Certificate' from the third respondent, the Last Pay Certificate shall not be given to the petitioner. Therefore, the petitioner with the aforesaid prayer has approached this Court with this writ petition.

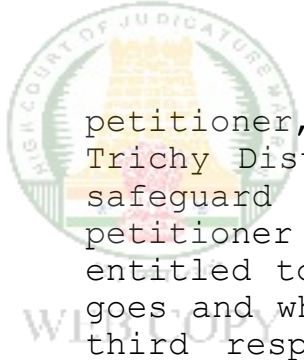
4.Learned Counsel for the petitioner would further submit that, insofar as the loan obtained by the petitioner in the third respondent Society is concerned, a part of the loan has been paid and the remaining loan has to be paid by way of recovery from the salary of the petitioner, every month. Irrespective of the place where the petitioner is working, the third respondent shall be entitled to recover the loan from the salary of the petitioner and therefore, merely because the petitioner is transferred to Trichy District, the right of the third respondent to recover money from the petitioner shall not get affected. Therefore, the learned Counsel for the petitioner would submit that insofar as the claim of the petitioner to get the Last Pay Certificate and other service records is concerned, it shall be considered by the respondents, especially, the first and second respondents, as the petitioner has given a representation to that effect also on 19.06.2018.

5.I have heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents, who would submit that the said request of the petitioner would be considered and an order to that effect on merits, would be passed.

6.However, the learned Standing Counsel appearing for the third respondent would submit that once the petitioner is transferred and has gone to Trichy, from where he can be transferred to some other place, it is very difficult for the third respondent to recover the remaining loan due from the petitioner. Therefore, some safeguard measure has to be made ensuring the recovery of the balance loan amount from the petitioner.

7.I have considered the rival submissions made by the parties and also perused the materials placed before this Court.

8.Insofar as the claim of the petitioner to get Last Pay Certificate is concerned, that is nothing to do with the loan obtained by him from the third respondent society, as the same was only the certificate certifying what was the actual pay drawn by the



petitioner, before he was transferred from Pudukkottai District to Trichy District. Insofar as the claim of the third respondent to safeguard the recovery of the remaining loan amount from the petitioner is concerned, no doubt, the third respondent shall be entitled to recover the loan amount from the petitioner wherever he goes and wherever he works. In order to safeguard the right of the third respondent and in order to redress the grievance of the petitioner, this Court is inclined to pass the following order:

8.1.The request of the petitioner dated 19.06.2018 shall be considered by the first and second respondents and accordingly, they shall consider the grant of LPC i.e., Last Pay Certificate as the petitioner claimed.

8.2.While considering the same and passing orders for granting LPC, the first and second respondents shall ensure that from the present employer at Trichy, the petitioner shall continue to pay the monthly due to repay the loan amount to the third respondent and such arrangement to be made by respondents 1 and 2 in the order to be passed in this regard, which shall be communicated to the third respondent and the present employer at Trichy, so that the third respondent's due can be continuously recovered from the salary of the petitioner by the present employer and can be credited to the account of the third respondent.

8.3.The needful as indicated shall be undertaken by the official respondents within a period of four weeks from the date of receipt of a copy of this order.

9.With the above directions, this writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-IV)

To

1.The Chief Educational Officer,
Pudukkottai District,
Pudukkottai.

2.The Block Educational Officer,
Avudaiyarkoil,
Pudukkottai District.

+1cc to Mr.K.PONNIAH, Advocate, SR.No.72216

+1cc to M/s.Special Government Pleader,SR.No.72526

W.P. (MD) No.14947 of 2018

11.07.2018