

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.8535 of 2001

ORDER:

This writ petition is filed seeking Writ of Mandamus declaring the action of the respondent in deducting Rs.1100/- from the salary of the petitioner *vide* proceedings Rc.No.Estt/E1/F68/98-9, dated 29.12.2000 of the respondent, as illegal and arbitrary and consequently to direct the respondent to refund the amount already deducted from the salary of the petitioner.

Heard Sri M.V.Raja Ram, learned counsel for the petitioner and Sri K. Lakshmiah, learned counsel for the respondent.

It is contended by the petitioner that he underwent heart surgery in the month of October, 1998 and respondent-bank paid a sum of Rs. 50,000/- under the Memorandum of Settlement, dated 15.6.1997. He had received a sum of Rs.30,000/- from Oriental Insurance Company towards medi-claim. Thereafter, the petitioner had submitted the medical bills. The respondent, without deciding the issue of entitlement of amount towards medical reimbursement, straight away had issued proceedings dated 29.12.2000 to the effect that an amount of Rs. 30,000/- was excessively paid under suspense account to the petitioner and the same was sought to be recovered from the salary of the petitioner along with interest @ 21% with effect from 22.2.1999. Therefore, it had been decided to recover the said amount in

installments @ of Rs.1100/- per month from his pay bills with effect from December, 2000.

The grievance of the petitioner is that as per the Memorandum of Settlement, dated 15.6.1997, the petitioner is entitled for medical expenses. The respondent, without considering his representation and without considering the issue of entitlement, had straight away passed the impugned orders.

Learned counsel appearing for the respondent would contend that the petitioner had been erroneously paid an amount of Rs. 30,000/- by Oriental Insurance Company towards medical claim and the said amount was sought to be recovered from the petitioner and no illegality has been committed by the respondent.

When this writ petition came up for admission, this Court on 26.4.2001 had granted interim stay of recovery. In pursuance of the interim order, no recoveries were made from the salaries of the petitioner and during the pendency of the writ petition, the petitioner had retired from service on attaining the age of superannuation.

Having considered the rival submissions of the parties, this Court is of the considered view that, without deciding the entitlement of the petitioner, the respondent had straight away issued the impugned proceedings dated 29.12.2000. Hence, ends of justice would be met, if the writ petition is disposed of directing the respondent to decide the entitlement of medical expenses of the petitioner, by taking into account the Memorandum of Settlement, dated 15.6.1997 and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is, accordingly, disposed of.

Miscellaneous petitions pending if any, shall stand closed.

No order as to costs.

ABHINAND KUMAR SHAVILI, J

Date: 05/09/2018

Slk



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Dated: 05/09/2018

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