

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.9587 of 2005

ORDER:

When the matter is taken up for hearing, learned counsel for petitioner submits that the petitioner has stood as surety to a loan borrowed by his colleague. He submits that the principal borrower was initially removed from service and subsequently he was reinstated into service. Since the principal borrower has not paid the loan amount, respondents have ordered recovery from the salary of the petitioner. In those set of circumstances, the petitioner has filed this writ petition and this Court, vide order dated 26.04.2005, granted interim stay of the impugned proceedings to the extent of 50% only. Learned counsel for petitioner submits that since considerable amount was already recovered from the petitioner's salary and the principal borrower has been reinstated into service, in all fairness, respondents should proceed against the principal borrower instead of proceeding against the petitioner, who stood as guarantor.

The learned Standing Counsel appearing for respondents has submitted that let the petitioner submit a representation to the respondents and appropriate orders will be passed by adjusting certain amounts after recovering from the principal borrower.

In view of the above said submissions, this Court is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents within two weeks from the date of receipt of a copy of this order, and upon such

representation being received, the respondents shall consider the same and pass appropriate orders within four weeks thereafter.

With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

20th December 2018

ajr

