

THE HON'BLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No. 13693 of 2008

ORDER:

Heard the learned counsel for the petitioner as well as Ms. Shiva Kumari, learned Standing Counsel for the respondents.

The present writ petition is filed with the following prayer:

“To issue a writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents 3 to 6 to deduct from the time related compensatory allowance payable by them to the loanee members of the petitioner-society towards recovery of the amounts payable by the loanee members to the petitioner-society and pay the same to the petitioner-Society every month after declaring the letter No.18-3/2002-Welfare and Sports, Dt.19.9.2002 issued by the 1st respondent and the letter No.IRII/WLF/RLGS CCS, Dt.29.10.2002 and Letter No.IRII/WLF/Rgs/CC, dated 29.10.2004 at Ongole-1 issued by the 2nd respondent and consequential action of the respondents 3 to 6 in not recovering the amount dues from the loanee members of Petitioner's society as illegal and void and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

During the course of hearing, it is brought to the notice of this Court that similar writ petition filed by Tenali Postal Employees Cooperative Credit Society vide W.P.No.22556 of 2002 has been dismissed by this Court on 1.9.2003. Against the said writ petition, Writ Appeal No.2144 of 2003 has been filed in this Court. Though interim suspension of the orders of the learned Single Judge are passed on 10.12.2003, subsequently, the writ appeal was dismissed

for default on 11.2.2015. It is also informed that as of now the said writ appeal is not restored to file.

Learned Standing Counsel appearing for the respondents, brought to the notice of this Court that in other High Courts also this issue has been considered. The High Court of Judicature at Madras, in Writ Petition No.32123 of 2002 considered the propriety of Central Government to recover all the loan amounts, dismissed the writ petition by order dated 22.11.2013.

Even on merits also, when Gramin Dak Sevak Agents are not the employees of the Central Government, the Central Government cannot issue any proceedings and cannot recover the loan amounts from the employees. Even on this count also, there is no force in the contention raised by the petitioner. As such, there are no merits in the writ petition.

Accordingly, the Writ Petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE P.KESHAVA RAO

Date: 25/ 10/ 2018

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