

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION NO. 22671 OF 2015

ORDER:

Heard the learned counsel for the petitioner as well as the learned Standing counsel appearing for respondent Nos. 2 to 4.

2. The prayer sought in the Writ Petition is as under:

“...to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondents in failing to return the petitioner's National Saving Certificate submitted to the 4th respondent as security for the loan account inspite of closure of the loan account in 2008 is illegal, arbitrary, unconstitutional and consequently, direct the respondents to forthwith return the national Saving certificate pending with them or in the alternative compensate the matured NSC certificate amount to the petitioner.”

3. The basic grievance of the petitioner in the Writ Petition is that he retired as an employee from respondent No.2 organization. He worked as a branch Manager in Podili Branch, Prakasam district and retired from service on 30.6.2010. When the petitioner was in service, he obtained loan from respondent No.2 organization in the year 2001. While availing the loan facility, along with the documents, he also furnished National Security Certificate (NSC) worth Rs.10,000/-. The said NSC bond was due for maturity in the month of March, 2008. It is his further case that he received notices from respondent No.4 about the payment of the loan amount, pursuant to which, he has cleared all the dues and the same was closed. However, the NSC bond was not returned to the petitioner.

4. Learned Standing Counsel appearing for respondent Nos. 2 to 4, on instructions, submits that the petitioner has not given any

particulars regarding the NSC bond said to have been submitted while availing the loan. Unless and until the particulars are given, it is difficult for the bank to verify. Even in reply to the notice issued by the Bank's Ombudsman, respondent No.2 bank has addressed a letter dated 27.4.2015 stating that they tried to trace the NSC bond from the local post offices. The postal authorities also failed to trace the details of the NSC bond issued by the petitioner. Respondent No.2 also requested the petitioner to provide all the relevant details of the NSC bond. But the same were not submitted. Basing on the said letter issued by respondent No.2, the bank's Ombudsman closed the complaint lodged by the petitioner, vide proceedings dated 18.5.2015.

5. Having heard both the counsel and from the perusal of the material on record, the only issue that arises for consideration is: to

“Whether respondent Nos. 2 to 4 are liable to return the NSC bond submitted by the petitioner to respondent No.4 as security while availing the loan?”

6. From the perusal of the affidavit, it is seen that the petitioner is silent as to the particulars of the NSC bond said to have been furnished to respondent No.4 while availing the loan. The affidavit also does not specifically mention the particulars of the loan. Unless and until the particulars are furnished relating to the NSC bond, it is not expected from respondent Nos. 2 to 4 to respond to the complaint lodged by the petitioner. Even during the course of hearing, when a query is raised, learned counsel for the petitioner is unable to mention the particulars of the NSC bond.

7. In the above circumstances, this Court is of the opinion that there are no merits in the Writ Petition.

8. Accordingly, the Writ Petition is dismissed.

9. It is needless to observe that this order will not preclude the petitioner from furnishing the details of the NSC bond said to have been furnished to respondent No.4 while availing the loan facility. On such furnishing the information, respondent Nos. 2 to 4 are directed to consider the same and pass appropriate orders as per law.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

Date: 6.12.2018

KPM



P. KESHA VA RAO,J