

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 31911 of 2019

and

WMP.No. 32174 of 2019

- 1 K.Kamaraj
S/o.Kaliyaperumal E3 Tamil Nadu Housing
Board Building Poothamur Virudhachalam
Town Cuddalore District. ..Petitioner
- Vs
- 1 Superintendent Engineer
Public Works Department Special Scheme W.R.D
Head Office - Avinasi
Tiruppur District 641654.
- 2 Deputy Registrar
Public Works Department Employees Co-
operative Society (Cuddalore and Villupuram
District) Villupuram.
- 3 District Treasury Officer
Tiruppur District Tiruppur.
- 4 Sub - Treasury Officer
Court Campus Avinasi 641 654.
- 5 Secretary
FC -25 villupuram and Cuddalore District .
PWD. Employees Co-operative Thrift and
Credit Society Ltd.
Plot No.64 Sudhakar Nagar Main Road
Opp to New Bus Stand, Villupuram-605602 ..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 3 and 4 and their sub - ordinates or any others claiming through them from in any manner stopping the retirement benefits of the petitioner in the guise of the letter of the 5th respondent by his letter dated 28/02/2019 which the 5th respondent claimed in excess without giving credit to the repayment made by the petitioner through the department.

For Petitioner : Mr. S.Balasubramanian

For Respondents : Mr. R.S. Selvam, GA -R1,R3 & R4
Mr. L.P.Shanmugasundaram -R2 & R5

O R D E R

The prayer sought for in the present Writ Petition is to forebear the respondents 3 and 4 and their subordinates or any others claiming through them from in any manner stopping the retirement benefits of the petitioner in the guise of the letter of the 5th respondent by his letter dated 28/02/2019 which the 5th respondent claimed in excess without giving credit to the repayment made by the petitioner through the department.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing on behalf of the respondents and perused the documents available on records.

3. The learned counsel for the petitioner would submit that the petitioner borrowed loan from the 5th respondent for a sum of Rs.3,68,500/- on 04.06.2016 and periodically repaid the loan amount to the tune of Rs. 1,98,899/-. Hence, the loan amount due to the 5th respondent by the petitioner is only Rs.1,69,601/- after deducting the amount repaid by the petitioner. However the 1st respondent issued a letter dated 28.02.2019 to the petitioner stating that the petitioner has to pay a sum of Rs.5,47,369/- including interest. Challenging the same, the present writ petition is filed.

4. Mr. L.P. Shanmugasundaram, the learned counsel appearing for the respondent submitted that as on date the petitioner has paid only a sum of Rs.43,000/- towards principle and interest and as per records, the outstanding balance loan amount to be paid by the petitioner is at Rs.5,47,369/-.

5. Though the petitioner has vehemently argued that he had repaid a sum of Rs.1,98,899/- towards his loan amount, he has not produced any documents before this Court to substantiate the same.

6. Considering the facts and circumstances of the case and also the non-production of documents by the petitioner to substantiate his arguments, it would be appropriate to direct the respondents to deduct the a sum of Rs.5,47,369/- from the petitioner's retirement benefits and pay the balance amount to the petitioner. Liberty granted to the petitioner to work out his remedy against the deduction of the loan amount.

7. Accordingly, the 1st respondent is directed to deduct a sum of Rs.5,47,369/- from the retirement benefits of the petitioner and the 5th respondent is directed to disburse the

entire balance retirement amount after deducting the said loan amount to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of . No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1 The Superintendent Engineer
Public Works Department Special Scheme W.R.D
Head Office - Avinasi
Tiruppur District 641654.

2 The Deputy Registrar
Public Works Department Employees
Co-operative Society (Cuddalore and Villupuram
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3 The District Treasury Officer
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Plot No.64 Sudhakar Nagar Main Road
Opp to New Bus Stand, Villupuram-605602

+2cc to Mr.S.Balasubramanian, Advocate, S.R.No. 98471

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No. 98529

+1cc to the Special Government Pleader, S.R.No. 98397

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CP(CO)
GN(27/11/2019)