

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.A.No. 2758 of 2018 and
C.M.P.No. 22742 of 2018

R.Nagarajan

...Appellant

Vs.

1.The Managing Director and CEO,
Head Office, United Bank of India,
11, Hamandha basu Sarani,
Kolkatta - 700 001.
(R.1 given up)

2.The Deputy General Manager/Chief Regional Manager,
United Bank of India, Southern Regional Office,
184/198, R.K.Mutt Road, Mandaveli,
Chennai - 600 028.

3.The Chief Manager,
United Bank of India,
90, Ramachandra Road,
Coimbatore - 641 002.

...Respondents

(1st Respondent is given up in the Writ Appeal)

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent,
against the Order dated 27.08.2018 in W.P.No.1525 of 2017.

WP. 1525/2017: Petition praying to issue a Writ of Mandamus
directing the 3rd respondent to reverse all the illegal and
unauthorized transactions entries made by him in the petitioners
Pension Account No.0289010022705 with the United Bank of India
situated at 90 Ramachandra Road Coimbatore- 641 002 and in
Account No.1542010001991 with the United Bank of India Ganapathy
Branch Coimbatore District

For Appellant : Mr. K.S.Kumar

For Respondents : Mr.P.S.Ganesh (for R.2,3)
R.1 given up

JUDGMENT

Judgment of the Court was delivered by T.S.SIVAGNANAM, J.

This Writ Appeal is directed against the order in the Writ Petition No. 1525 of 2017 filed by the appellant praying to set aside the above order dated 27.08.2018.

2. Heard Mr.K.S.Kumar, learned counsel for the appellant and Mr.P.S.Ganesh, learned counsel for the respondents.

3. The appellant was a former employee of the respondent/bank. After he served for 30 years and retired from service, he approached the writ Court for mandamus to direct the respondent/bank to reverse all illegal and unauthorized transaction entries made in the appellant pension account in Coimbatore Branch. The Writ petition was dismissed by the learned Single Judge, wherein certain other observations have also been made, which we are not presently concerned. The appellant's case is that no proper notice was given to him and appellant is ready and willing to settle whatever is the lawful dues payable to the respondent bank.

4. At the first instance, the arguments of the learned counsel for the appellant appeared to be impressive but after a close scrutiny, it appears otherwise. The appellant was not an agriculturist or a person without education. He worked with respondent/bank for 30 years and retired as Officer of the bank drawing substantial pension. Not only he availed loan for his second son but also for his elder son and it appears that for recovery of that earlier loan also action has been initiated against the appellant's pension. So far as the second loan is concerned, it was applied in the year 2010 to fund the education of the appellant's son who pursued the Engineering Course. If the appellant's son have passed all the papers without any arrears, he should had completed course by middle of 2014. During the currency of the loan i.e., 2010 to 2014 there is liability to pay interest. The appellant would contend that he has paid a sum of Rs.2.75 Lakhs and he does not know as to how much has been adjusted against the interest or principal. It does not lie in the mouth of the appellant to take such a stand especially when he is a retired bank official and his own employer has advanced the loan. Thus, as on date, both the appellant and his son are defaulters. Therefore, the learned single Bench rightly refused to grant the relief sought for. That apart, the appellant has not approached the Court for grant of educational loan but has sought for direction to reverse the transaction entries in his pension account. The loan transaction between the appellant and the respondent bank is purely contractual. Therefore, if the appellant has any grievance, his remedy lies elsewhere.

5. Accordingly, this Writ Appeal fails and it is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

mrm/ssb

To

- 1.The Managing Director and CEO,
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Coimbatore - 641 002.

+1cc to Mr.P.S.Ganesh, Advocate, S.R.No. 12690

+1cc to Mr. K.S.Kumar, Advocate, S.R.No. 12507

W.A.No. 2758 of 2018 and

C.M.P.No. 22742 of 2018

SAI (CO)
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