



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **01.08.2019**
CORAM

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

WEB COPY

W.P. (MD) No.16985 of 2019
and
W.M.P. (MD) Nos.13556 & 13557 of 2019

T.Sandhanam

...Petitioner

Vs.

1.The Superintending Engineer,
Public Works Department,
Water Resource Department,
Vaiparu Resource Division,
Virudhunagar District.

2.The Executive Engineer,
Public Works Department,
Water Resource Department,
Special Planning Division,
Virudhunagar.

3.The TAICO Bank Ltd.,
represented by its Manager,
No.68, Ethal Harvey Road,
Sattur,
Virudhunagar District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice of the third respondent dated 12.07.2019 and quash the same and consequently, direct the respondents 1 and 2 to disburse the terminal benefits of the petitioner without deducting the arrears of loan amount payable by late Arunachalam to the third respondent.

For Petitioner :Mr.Lakshmi Gopinathan for
M/s.Polex Legal Solutions

For R1 & R2 :Mr.M.Pandiarajan
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the impugned notice of the third respondent dated 12.07.2019 and to direct the respondents 1 and 2 to disburse the terminal benefits of the petitioner without deducting the arrears of loan amount payable by one late Arunachalam to the third respondent.



2.Mr.M.Pandiarajan, learned Additional Government Pleader takes notice for the respondents 1 and 2. By consent, this writ petition is taken up for final disposal at admission stage itself.

3.According to the petitioner, in the year 2001, one V.Arunachalam, who was working as Office Assistant in the office of the second respondent, had availed a loan from the third respondent bank, for which, the petitioner stood as a guarantor. On attaining the age of superannuation, the said Arunachalam was retired on 30.06.2009 and before his retirement, he has given a letter to the second respondent requesting him to deduct the outstanding balance amount payable to the third respondent bank from and out of his gratuity. Subsequently, the said Arunachalam died. But his terminal benefits are not yet disbursed to his legal heirs and the same is in the hands of the respondents 1 and 2 till date. In the meantime, the third respondent has sent a letter on 12.07.2019 to the respondents 1 and 2 to deduct the loan amount from the terminal benefits of the petitioner, who is going to be retired in the month of August 2019. Challenging the same, the present writ petition has been filed before this Court.

4.The learned counsel for the petitioner would submit that vide impugned letter, dated 12.07.2019, the third respondent has requested the respondents 1 and 2 for deducting the said loan amount from the terminal benefits of the petitioner. However, it is further submit that without any jurisdiction, the third respondent has sent the impugned letter. The third respondent ought to have recover the said loan amount only in the manner known to law. Without following those aspects, straightaway, the third respondent requested the respondents 1 and 2 for deducting the said loan amount from the terminal benefits of the petitioner.

5.The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that based on the said impugned letter, till date, no order has been passed by the respondents 1 and 2 for recovering the said loan amount from the terminal benefits of the petitioner. He further submit that if the petitioner has any grievance, he can approach the second respondent to seek his remedy. But, without following the same and only on apprehension, the present writ petition has been filed at premature stage.

6.Heard both sides.

6.In view of the submission made by the learned Additional Government Pleader, this Court is of the view that the present writ petition is not maintainable on the ground that the petitioner has approached this Court at premature stage. However, in the interest of justice, this Court is inclined to pass the following order:



week from the date of receipt of a copy of this order and on receipt of such representation, the respondents 1 and 2 are directed to consider the same and pass appropriate orders in accordance with law, as expeditiously as possible.

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

Sd/-
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Superintending Engineer,
Public Works Department,
Water Resource Department,
Vaiparu Resource Division,
Virudhunagar District.

2. The Executive Engineer,
Public Works Department,
Water Resource Department,
Special Planning Division,
Virudhunagar.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-79053[F] dated 01/08/2019)

+1 CC to M/s.SPL GP (SR-79443[F] dated 02/08/2019)

W.P. (MD) No.16985 of 2019
01.08.2019

MM
JM/05.08.2019/3P-5C