



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2020

CORAM

THE HONOURABLE THIRU JUSTICE V.PARTHIBAN

W.P.NO.7395 OF 2020

K.Ravi,
S/o.Kannan,
No.181, MTH Road,
Ambattur, Near Market mosque,
Chennai - 600 053.

... Petitioner

Vs.

1. The Managing Director,
The Metropolitan Transport Corporation,
Pallavan Salai,
Chennai - 600 002.

2. The Secretary,
Transport Corporation Employees
Co-operative Thrift and
Credit Society Limited,
Society No.X 3678,
No.19/10, Rathna Nagar,
Near L R Swami Building,
Teynampet, Chennai - 600 018.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 & 2 to consider and dispose the petitioner's representation dated 23.01.2020 for restraining both respondents not to initiate any proceedings against the petitioner to recover the loan amounts/dues payable by Ranganathan staff No.15919 from the petitioner's retirement benefits within time frame.

For Petitioner : Mr.R.Y.George Williams

For Respondents : Mr.K.Moorthy
Standing Counsel



ORDER

The writ petition has been filed for the issuance of Writ of Mandamus, directing the respondents 1 & 2 to consider and dispose the petitioner's representation dated 23.01.2020 for restraining both respondents not to initiate any proceedings against the petitioner to recover the loan amounts/dues payable by Ranganathan staff No.15919 from the petitioner's retirement benefits within time frame.

2. The case of the petitioner is that he is working as a driver in the 1st respondent Corporation. According to him, one of his co-employees viz., Ranganathan obtained a loan from Transport Corporation Employees Co-operative Thrift and Credit Society Limited, which Society, is affiliated to the Corporation. The petitioner appears to have also obtained loan and in the said loan transactions, both the petitioner as well as the other person one Ranganathan stood surety to each other.

3. According to the petitioner, he had completely discharged his loan obligation towards the Society. However, the other employee Ranganathan did not settle his debts and he was also unauthorizedly absent, for which, he was removed from service. The apprehension of the petitioner herein is that the loan obligation of the said Ranganathan is likely to be recovered from him and he has got only few months of service and due for his retirement on 30.11.2020. Therefore, he is before this Court seeking a direction to consider his representation dated 23.01.2020, requesting the Corporation, not to initiate any proceedings against him to recover the loan amounts due from the said Ranganathan.

4. From the pleadings in the affidavit, this Court is of the view that this writ petition is speculative in nature and does not disclose any specific cause of action. This Court is unable to understand as to how and on what basis, the petitioner apprehend that the recovery will be made from his salary in respect of the dues from the said Ranganathan. Nothing specific has been disclosed in the affidavit and as regards the surety obligation, from what it disclosed in the affidavit, it is only an oral surety.

5. In the above circumstances, on what basis the Corporation will initiate action is not properly or specifically disclosed in the affidavit. In the absence of any worthwhile details in the affidavit, this Court is not inclined to grant the direction, as prayed for, in the writ petition. Whenever any action is taken in regard to the subject matter of the writ petition, it is always open to the petitioner to resort to appropriate legal remedy as it deems fit as otherwise, it is



certainly not open to him to approach this Court at this stage with such speculative prayer.

In view of the above circumstances, this Court is of the view that this writ petition is too premature and not maintainable and hence, dismissed. No costs.

Sd/-
Assistant Registrar(MD)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Managing Director,
The Metropolitan Transport
Corporation, Pallavan Salai,
Chennai - 600 002.
2. The Secretary,
Transport Corporation Employees
Co-operative Thrift and
Credit Society Limited,
Society No.X 3678,
No.19/10, Rathna Nagar,
Near L R Swami Building,
Teynampet, Chennai - 600 018.

W.P.No.7395 of 2020

AD(CO)
CS/13/07/2020