



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.13760 of 2018

and

W.M.P. (MD) .No.12498 of 2018

WEB COPY

M.K.Jalaludheen

... Petitioner

-Vs-

1.State Bank of India,
Rep. by its General Manager,
(NGB Coordination),
Corporate Centre,
Madam Cama Road, Nariman Point,
Mumbai-400 021.

2.The General Manager,
State Bank of India,
'Circle Top House',
No.16, College Lane,
Chennai - 600 006.

3. The Branch Manager,
State Bank of India,
Periyakulam Branch,
Theni District.

... Respondents

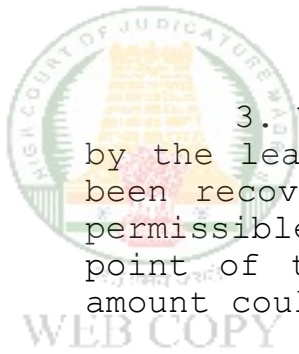
PRAYER: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the 3rd respondent from recovering the educational loan due from the petitioner's Army Service Pension amount being credited in SB. A/C No.10767910934 and re-credit the amount of Rs.6,000/- already recovered on 01.05.2018 and 01.06.2018 to the petitioner's account.

For Petitioner : Mr.M.Saravanan
For Respondents : Mr.S.Sethuraman

ORDER

The petitioner has come forward with this writ petition to forbear the 3rd respondent from recovering the educational loan due from the petitioner's Army Service Pension amount being credited in SB. A/C No.10767910934 and re-credit the total amount of Rs.6,000/- already recovered on 01.05.2018 and 01.06.2018, to the petitioner's account.

2. Heard the learned counsel for the petitioner as well as the learned counsel appearing for the respondents.



3. When the matter is taken up for hearing, it is represented by the learned counsel for the petitioner that the loan amount has been recovered from the petitioner's pension account, which is not permissible and that the petitioner is an Ex-service man and at no point of time without the permission of the petitioner, the loan amount could be deducted from the pension account.

4. In response, Mr.S.Sethuraman, learned counsel appearing for the respondent Bank would submit that the loan has been availed quoting the pension account and the amount needs to be deducted only from the pension account and there is no fault on the part of the Bank.

5. However, during the last hearing, it was suggested that the petitioner could approach the Bank for the purpose of settling the matter by availing OTS (One Time Settlement) in order to give a quietus to the issue.

6. Today, the learned counsel for the petitioner would submit that when the petitioner went to the Branch, there was no proper response, eventhough the Bank counsel has helped him to approach the Bank.

7. In response, Mr.S.Sethuraman would submit that as per his instruction, no one has approached the Bank for the purpose of OTS, and in case the petitioner approaches the Bank, the request of the petitioner will be considered in accordance with the scheme available as on that date.

8. Taking note of the submissions of both the parties and that part of the amount has already been recovered, without continuing further deduction, the Bank shall consider the request of the petitioner within two weeks. The petitioner shall make a representation before 23.12.2020, and approach the Bank on 30.12.2020 by producing a copy of this order so that the Bank would consider the request of the petitioner. Depending upon the outcome of OTS, it is open to the Bank to collect the balance amount due to them, in accordance with law, if there is no legal impediment to do so.

9. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

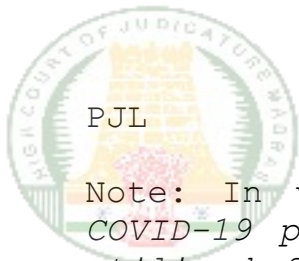
Sd/-

Assistant Registrar (RTI)

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/ /2020

Sub Assistant Registrar(CS)



PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-26139[F]
dated 18/12/2020)

+1 CC to M/s.S.STHURAMAN, Advocate (SR-26302[F]
dated 18/12/2020)

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