



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.11.2021

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .No.15017 of 2018

and

W.M.P. (MD) .Nos.13555 of 2018 and 18143 of 2019

WEB COPY

V.Parthasarathi

... Petitioner

vs.

1.Bank of India
represented by its Senior Manager,
Karaikudi Branch,
Krishna Arcade,
Hotel Udhayam Complex,
Karaikudi 630 001.

2.Bank of India,
represented by its General Manager,
Terminal Benefit Division,
C-5, G-Block, Bandra Kurla Complex,
Bandra (East),
Mumbai 400 051.

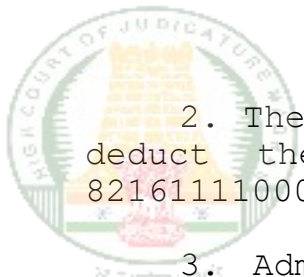
... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent not to deduct the total pension amount of the writ petitioner in his pension Account No.821611110000011 in which the pension account has been frozen and to disburse the pension amount from April, 2017 after deducting the personal loan on pension account and consequently direct the respondents to credit the remaining pension amount from the month of April 2017 which was already deducted in the pension account.

For Petitioner	: Mr.B.Pragash
	for Mr.D.Boopal
For R1	: Mr.S.Alagu Sundar

O R D E R

Heard Mr.B.Pragash, learned counsel for the petitioner and Mr.S.Alagu Sundar, learned counsel for R1 which is the Bank of India, Karaikudi Branch (in short Bank). Service is not complete upon R2, but is dispensed with in view of the order passed and since R1 has been heard.



2. The petitioner has prayed for a Mandamus directing R1 not to deduct the pension amount in his Bank Account bearing No. 821611110000011 and to disburse the pension.

3. Admittedly, both the petitioner and his wife had availed personal loans from the Bank and the monthly installment due thereupon are being deducted from and out of the pension account. At the time of admission, on 12.07.2018, this Court has granted an interim injunction restraining the respondents from deducting more than 50% of the pension received by the petitioner every month. This arrangement is continuing till date.

4. Both learned counsel concur upon the position that the repayment schedule stretches over 60 equated monthly installments and that the present arrangement may continue till such time the loan is settled in full. The Bank shall continue to deduct 50% of the pension credited to the petitioner's Bank Account every month and nothing in excess thereof.

5. This Writ Petition is disposed as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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.S.ALAGUSUNDAR, Advocate (SR-36403[F]
dated 29/11/2021)

ORDER MADE IN
W.P. (MD) .No.15017 of 2018
26.11.2021

NSN (CO)
RD(16.12.2021) 2P 2C