

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8128 of 2013

Ratnakar Behura

.... Petitioner

Mr. S. Behera, Advocate on behalf of
Mr. Shashi Bhusan Jena, Advocate

-versus-

***Regional Manager, State
Bank of India, Local Head
Office, Jawaharlal Neheru
Marg, Bhubaneswar and
Another***

.... Opp. Parties

Mr. Subrat Sarangi, Advocate on behalf
of Mr. D. P. Sarangi, Advocate

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN**

**ORDER (Oral)
26.07.2022**

Order No.

09. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).

2. The Petitioner while working as a Laboratory Attendant at the Seed Testing Laboratory, Bhubaneswar had availed a loan of Rs.15,000/- from State Bank of India, Old Town Branch on 28th October, 1999. The Loan Account bearing No.10378288028 was secured by a LIC policy in the name of the Petitioner within assured INR of Rs.75,000/- with maturity value being Rs.85,000/-.

Since the Petitioner could not pay the installments allegedly due to damage caused by Super Cyclone in the year 1999, the Bank proceeded recovery process by deducting the loan amount from the provisional pension drawn by the Petitioner.

3. The present Writ Petition has been filed with the grievance that in spite of a Circular issued by the Government for the affected persons of Super Cyclone, 1999, the Bank had not extended the benefit of exemption/waiver of the principal amount. It was also stressed that the action of deducting the amounts of outstanding loan from the provisional pension is not permissible in law. On 15th May, 2013, the following interim order was passed.

“Since Mr. Sarangi accepts notice on behalf of the Bank, two extra copies of the writ petition be served upon him by tomorrow.

As an interim measure, this Court directs the Bank not to squeeze the pension account of the petitioner till 10.07.2013 subject to deposit of Rs.10,000/- (Rupees Ten Thousand) before the Bank by the petitioner in two equal instalments. The first instalment will be deposited on or before 31st May, 2013 and the second instalment will be deposited on or before 25th June, 2013.

List the matter in the 1st week of July, 2013.”

4. At the time of hearing today, learned counsel for Petitioner prays for an unconditional withdrawal of the Writ Petition in view of the subsequent developments, for which the Petitioner seeks to pursue his remedy in accordance with law.

5. In view of the above, the Writ Petition is dismissed as withdrawn with the aforesaid liberty.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK

26th July, 2022
Cuttack

