



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17667 of 2021

and

W.M.P(MD)No.14558 of 2021

K.V.Subramanian

... Petitioner

v.

1.The Accountant General

361, Anna Salai, Teynampet,
Chennai – 18.

2.The District Collector, Pudukkottai District.

3.P.A to the District Collector (Noon Meal),
Pudukkottai District, Pudukkottai.

4.Block Development Officer,
Aranthangi Panchayat Union, Pudukkottai District.

5.The President,
YP677 Pudukkottai District Noon Meal Employees,
Cooperative Thrift Society,
T.S.No.9233/1, Thandapanipuram 2nd Street,
(Sri Pragathambal Theatre Opposite) Pudukkottai,
Pudukkottai District.

6.Valarmathi,
New No.2/78, Periyalur East, Periyalur Post,
Aranthangi Taluk,
Pudukkottai District.

(R5&R6 are impleaded vide order dated 20.10.2022)

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to disburse the general provident fund, special provident fund, lumpsum payment and other benefits to the petitioner within such time as may be stipulated by this Court.

For Petitioner : Mr.R.Prasanna

For Respondents : Mrs.S.Mahalakshmi for R1

Mr.R.Sureshkumar,
Additional Government Pleader for R2&R4

Mr.M.Senthil Ayyanar,
Government Advocate for R5

Mr.K.Balasubramanian for R6

ORDER

Heard the learned counsel on either side.

2.The petitioner worked as Noon meal organiser under the fourth respondent. He has since reached the age of superannuation. He retired from service. However, his terminal benefits have not been settled. Seeking disbursement of the same, the present writ petition has been filed.

3.When the matter was taken up for hearing, it was submitted that the petitioner stood as a guarantor for the loan availed by one Narayanan, the deceased husband of the sixth respondent. The learned counsel for the fifth



respondent states that only on the strength of the guarantee executed by the petitioner, the loan was given to Narayanan and that therefore the petitioner cannot wriggle out of the said consequences.

4.It is seen that based on the undertaking given by the sixth respondent, the fourth respondent had already paid certain sum towards death benefits. I fail to understand as to how the fourth respondent could have done so. Admittedly, Narayanan was the principal borrower and the petitioner was only a guarantor. Without settling the dues payable by Narayanan to the fifth respondent, the fourth respondent could not have released any amount to the sixth respondent. It is well settled that when a security is released, that in turn will discharge even the obligations of the guarantor. For the act done by the fourth respondent, the petitioner cannot be made to suffer beyond a point.

5.The learned counsel appearing for the fifth respondent on instructions states that in view of the demise of the original borrower, the society is willing to waive the interest and the entire liability of the deceased can be fixed at Rs.1.60 lakhs.

6.The petitioner comes forward to pay a sum of Rs.50,000/- towards discharge of his part being a guarantor. The fourth respondent is directed to



accept the same and settle the retirement benefits payable to the petitioner with 6% interest per annum. The fourth respondent in turn will pay the said amount of Rs.50,000/- to the society. The fourth respondent is having a sum of Rs.70,000/- of the deceased. The fourth respondent shall pay the same to the society. If any settlement amount of the deceased is lying with the fourth respondent, the same can be settled to the sixth respondent. The sixth respondent is directed to pay the balance amount of Rs.40,000/- to the society.

7.The writ petition stands allowed on these terms. No costs. Connected miscellaneous petition is closed.

22.11.2022

Index : Yes / No
Internet : Yes/ No
skm

To

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G.R.SWAMINATHAN, J.

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