

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6447 of 2020

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Dharmendra Kumar Ambastha @ Dharmendra Kumar S/o Late Nawal Kishore Prasad, Resident of Village - Sona Gopalpur Dih, P.S.- Gopalpur, Distt.- Patna

... .. Petitioner/s

Versus

1. Indian Bank, Corporate Office, HRM Department, 254-260, Avvai Shanmugham Salai Royapettah, Chennai- 600014 through Managing Director.
2. Managing Director, Indian Bank, Corporate Office, HRM Department, 254-260, Avvai Shanmugham Salai Royapettah, Chennai- 600014 through Managing Director.
3. General Manager, Zonal Office, Indian Bank (erstwhile Allahabad Bank), Budh Marg, Patna.
4. The Deputy General Manager, Zonal Office, Indian Bank (erstwhile Allahabad Bank), Budh Marg, Patna.
5. Assistant General Manager (Chief Manager), Indian Bank, Main Branch, Opposite Kotwali Thana, Budh Marg, Patna
6. The Senior Manager, Indian Bank, Arunachal Bhawan, Exhibition Road, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shanti Pratap, Advocate.
For the Respondent-Bank: Mr.Shiv Mohan Saha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 20-06-2023

Heard Mr. Shanti Pratap, learned counsel appearing on behalf of the petitioner and Mr. Shiv Mohan Saha, learned counsel for the respondent – Indian Bank.

2. Let the counter affidavit filed on behalf of the respondent – Indian Bank be kept on the record.

3. The writ petition under consideration has been



filed for the following reliefs:

“That, this writ application is being filed for a direction to the respondent to pay leave encashment amounting to Rs.3,52,832/- with interest w.e.f. 01.01.2015.

This writ application is also being filed for a direction to the respondents to pay interest for the period 01.01.2015 to 31.07.2016 on the retiral benefits amounting to Rs.15,62,654/- withheld by the respondent – Bank.

This writ application is also being filed for holding that the impugned non-payment of leave encashment and interest for the period 01.01.2015 to 31.07.2016 on the retiral benefits amounting to Rs.15,62,654/- withheld by the Bank, are illegal, arbitrary and without any lawful jurisdiction.”

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has made an application on 19.01.2015 to deduct the entire loan amount which was due for payment on account of the fact that loan amount of the son of the petitioner was held N.P.A. on 31.03.2005. He submitted that no action was taken immediately on the application made by the petitioner while he was in service for deducting from the retiral benefits of the petitioner which was already withheld by the Bank. The petitioner admits that his liability is as a guarantor. The petitioner also admits that the property standing in his name has been mortgaged by the Bank. A counter affidavit has been filed on behalf of the Bank after a delay of more than three years. A tabular chart has been made available in Para-3 of the counter affidavit giving the details of the Account Number, Type of Loan availed by the petitioner, Date of Account Opened, Date of N.P.A. and Closure



Amount on 10.03.2023 in support of the fact that a total amount of Rs.45,52,809/- is required to be recovered from the petitioner. The petitioner has disputed the said fact and the calculation made by the Bank and the same having been brought on record for the first time by way of filing counter affidavit. Learned counsel submits that the petitioner has disputed the allegation made in the counter affidavit on the basis of calculation produced before this Court in Paragraph No.3.

5. Petitioner, in above background, seeks to file a detailed representation before the Managing Director, Indian Bank (Erstwhile Allahabad Bank), Corporate Office, Chennai – respondent no.2 to ventilate his grievance with supporting evidences that he is not liable to make payment as as on date no dues remains to be recovered from the account of the petitioner.

6. Considering the limited prayer of the petitioner, this Court directs the Managing Director, Indian Bank (Erstwhile Allahabad Bank), Corporate Office, Chennai – respondent no.2 to consider the representation of the petitioner and the evidences adduced by the petitioner in support of his relief and pass a reasoned order on the basis of records available with the Bank and the Managing Director if finds that he requires assistance with respect to the case of the petitioner then he may appoint a responsible officer to defend the case on behalf of the Bank and the petitioner may also



engage a representative to place his case. The representation of the petitioner is directed to be considered and disposed of within a period of eight weeks from the date of filing of the representation in accordance with law.

7. The writ application, accordingly, stands disposed of.

(Purnendu Singh, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	27.06.2023
Transmission Date	N.A.

