

25.05.2023
Ct. 7
D/L 1
ab

WPA 5657 of 2023

Bikash Chandra Mundari

-Vs-

Indian Bank & Ors.

Mr. Saptarshi Guha

...for the petitioner

Mr. Joydeb Brahmachari,
Mr. Uttam Kr. Bhattacharyya,

... for the respondent no. 1/Indian Bank

The petitioner is a retired school teacher. He obtained some loan from the India Bank mortgaging his residential house. The petitioner failed to repay the said loan amount with interest and accordingly, an application was filed by the Bank before the Debts Recovery Tribunal (DRT)-II, Kolkata by filing OA/209/2017. The said OA was allowed and the order of DRT was put into execution. The Recovery Officer passed an order of attachment and sale of the mortgaged property.

It is submitted on behalf of the petitioner that the petitioner has not received the retiral benefits as yet from the District Inspector of Schools (SE), Nagendranagar, Krishnanagar. The petitioner is willing to directly pay his retiral benefits to pay the outstanding dues and interest till the date of recovery. It is also submitted by the learned counsel for the petitioner that the retiral benefit amounts will cover the outstanding dues and interest. It is also submitted by the learned advocate for the petitioner that the District Inspector of

Schools/respondent No. 2 may be directed to disburse the retiral amount directly to the Bank to satisfy the outstanding dues with interest.

The learned advocate for the respondent no. 1/Indian Bank has conceded to such proposal made by the learned advocate for the petitioner.

In view of such circumstances, the respondent No. 2 is directed to calculate the retiral amount of the petitioner within one month from the date of communication of this order. The respondent No. 1 shall communicate the outstanding dues with interest to the respondent No. 2 directly within the aforesaid period. The respondent No. 2 will deposit the said dues with interest till the date of its recovery directly to the Indian Bank, Poramatala Branch, Nabadwip and then allow the petitioner to receive the remaining dues towards retiral benefits from the respondent No. 2.

During such period, the order dated 23rd January, 2023 shall be kept in abeyance. After the above mentioned period, if something remains due to the Bank, the respondent No. 1 is at liberty to execute the same in accordance with law.

The instant writ petition is thus disposed of.

(**Bibek Chaudhuri, J.**)