



WEB COPY



W.P.No.10680 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.10680 of 2022

S.Jayaraman

... Petitioner

Versus

1.The Secretary,

Metropolitan Transport Union Co-op Small and Loan Society,

No.J.J.99, Chrompettai,

Chennai-600 044.

2.The Traffic Inspector,

Revenue South (Retd),

Regional Transport Department,

Chennai-600 002.

3.V.Babu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue the Writ of Mandamus or any other writ or order or direction in nature of writ directing the 1st respondents herein to consider the petitioner's representation dated 24.06.2021 within a time frame fixed by this Court.

For Petitioner : Mr.M.Manikandan

For R1 : Mr.R.V.Dinesh Raj Kumar

For R2 : Mr.P.Baladhandayutham,
Special Government Pleader

For R3 : No Appearance



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ORDER

This Writ Petition has been filed to direct the 1st respondent to consider the petitioner's representation, dated 24.06.2021 within a time frame fixed by this Court.

2.The case of the petitioner is that he was serving as Conductor in the 1st respondent Transport Union and retired from service on 31.01.2020. During his service, the petitioner availed loan for a sum of Rs.1,40,000/- with guarantor signed by the 3rd respondent and the 3rd respondent also availed loan on the very same day and same amount with guarantor signed by the petitioner. The petitioner paid back the entire loan borrowed from the 1st respondent within four years. Since the 3rd respondent failed to repay the loan, the petitioner was refused the retirement benefits. In this regard, the petitioner has made representation, dated 24.06.2021, however, no action has been taken. Hence, seeks direction of this Court.

3.The learned counsel appearing for the 1st respondent submitted that the petitioner stood as a guarantor for the 3rd respondent, who had taken loan from the 1st respondent. Since the 3rd respondent failed to pay back the loan, arbitration proceedings has been initiated against the petitioner and the



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3rd respondent in Suit No.202/2007-2008 and an order has been passed on 28.07.2008. Based on the said order, the 1st respondent took action against the 3rd respondent in execution proceedings, but the 3rd respondent never turned up anything. He further submitted that the petitioner has been paid with the entire retirement benefits from the 1st respondent, only a sum of Rs.1,61,100/- is payable to the petitioner.

4.In such view of the matter, since the amount of recovery from the 3rd respondent is in process, the petitioner cannot seek any direction before this Court. However, it is well open to the petitioner to receive the balance amount of Rs.1,61,100/- from the 1st respondent. The 1st respondent is directed to disburse the said amount to the petitioner, within a period of two months, from the date of receipt of a copy of this order.

5.With the above directions, this Writ Petition stands disposed of.

No costs.

01.09.2023

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Index : Yes/No



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Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-Speaking Order

To

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