



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.17691 of 2022
and
W.M.P.No.16980 of 2022

P.Daniel Charlemagne

.. Petitioner

Vs.

1.The General Manager,
Canara Bank,
Personnel Department-Pension Section,
Canara Bank Head Office,
Bangalore.

2.The Branch Manager,
Canara Bank,
I Floor, Sree Lakshmi Complex,
Cross cut road,
Gandhipuram – II,
Coimbatore – 641 012.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner representation dated 31.05.2022 and reminder representation dated 24.06.2022 and conduct appropriate enquiry by disposing of said representation and direct the respondents to refund the amount which was



illegally debited by the respondent bank within the time frame fixed by this Court.

For Petitioner .. Mr.S.Velmurugan

For Respondents .. Mr.K.S.Viswanathan

ORDER

This writ petition has been filed in the nature of Mandamus seeking consideration of a representation dated 31.05.2022 given by the petitioner and an another representation on 24.06.2022 in accordance with the rules and regulations of the respondents.

2.Let me err on the side of caution and examine the facts as are relevant to issue a mandamus alone.

3.The petitioner retired from Canara Bank. He naturally gets pension. But as is always a case of overzealousness, he also obtained a credit card whether the card is either used or not used, the bank officials deduct service



charges. So long as the card is revoked or cancelled and the contract between the customer and the bank official comes to a definite end, service charges are payable by the customer. If amounts charged are not paid, penalty may also accrue. All these aspects come under the rules and regulations of any nationalized bank.

4.The grievance of the petitioner is that he had filed a consumer case before the Consumer Redressal forum and had obtained an order that the deductions are not proper, but that still the deductions continued.

5.It must also be kept in mind, that deductions are done without human intervention, but on the basis of the records already keyed in the computer and till the net balance reaches zero, deductions are always done. Now, since the petitioner has an overdue on the credit card, the only available amount with the respondents was the pension, which was paid by them to the petitioner. They started deducting the amounts due on the credit card from the pension amount. This has necessitated the petitioner to file the present writ petition. Incidentally, representations had also been given.



6.I had said that, I shall err on the side of caution and I shall do so and let me withhold myself by examining the right of the petitioner to approach the writ Court to enforce an issue of contract entered into between the petitioner and the respondents. But let me give a direction to the respondents to examine the representations of the petitioner, and while doing so, follow the principles of natural justice and thereafter, give a quietus to the entire issue by either crystallizing the amount due and payable by the petitioner or close the entire credit card account and let the petitioner lead his retired life in peace. I hope that the respondents would act in a befitting manner. No further orders are required, except to impress upon the respondents, that they should dispose of the representations on or before 17.03.2023.

7.With the above observations, this Writ Petition is disposed of. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

06.02.2023

Index:Yes/No
Internet:Yes/No
smv



To

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6

C.V.KARTHIKEYAN,J.

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