



W.P.No.19792 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.03.2023

C O R A M

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.19792 of 2018

and

W.M.P.No.23259 of 2018

R.Devaraj

... Petitioner

Vs

1. The Secretary to Government
Finance Department (Expenditure and Financial Services),
Government of India, Central Secretariat,
New Delhi 110001.
2. The Pension Officer,
Pension Office,
DPI Campus,
College Road,
Chennai-600006.
3. The General Manager,
State Bank of India,
RACPC/OMR/SARC,
New No.4/952 & 4/952 A,
3rd Floor, Rajiv Gandhi Salai,
Perungudi, Chennai 600096.



W.P.No.19792 of 2018

4. The Assistant General Manager,
State Bank of India,
RACPS, 6th Floor, High Gates,
Old Door No.82 (New Door No.153)
Dr.DGS Dinakaran Salai,
MRC Nagar, Chennai 600023.

5. The Chief Manager,
State Bank of India,
Saidapet Branch at Nandanam,
Branch code No.0912,
Periyar Buildings,
Anna Salai, Nandanam,
Chennai-600035.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 5th respondent in No.BR/MISC/09 dated 10.08.2016 and quash the same as illegal and arbitrary and consequently direct the 5th respondent to reimburse the sum of Rs.8,61,800/- being the amount deducted from petitioner's Pension Account No.10610809399 towards Educational Loan Account No.10610866904 with due interest thereof within a time frame as may be fixed by this Court.

For Petitioner ... M/s.R.Kamaraj

For Respondents ... Mr.S.Balamurugan,
Government Advocate for R2.

... M/s.S.R.Sumathy for R5



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W.P.No.19792 of 2018

ORDER

This Writ Petition has been filed seeking to quash the impugned proceedings dated 10.08.2016 which was passed by the 5th respondent and for a consequential direction to the 5th respondent to reimburse the sum of Rs.8,61,800/- which was deducted from loan petitioner's Pension Account towards the Educational Loan account with due interest within the time that may be stipulated by this Court.

2. It is the case of the petitioner that after his retirement from the service of Post Graduate Teacher in Physics in Government Model Higher Secondary School, Saidapet, he has availed the educational loan for the purpose of pursuing the higher education in professional medical course in Russia from the 5th respondent bank to the tune of Rs.6,00,000/-. Since his retirement, the petitioner is maintaining his pension account with the 5th respondent bank. After the sanction of loan amount, the deductions were made from his pension account, however, the quantum of deductions towards the loan were increasing from time to time, as a result of which, a sum of Rs.8,71,800/- was appropriated from the petitioner's account as on 30.04.2016. Hence, the petitioner made



W.P.No.19792 of 2018

various representations to the 5th respondent seeking re-imbursement of the amounts which was deducted from the his monthly pension account. Since, his request was not considered, the petitioner filed a Writ Petition in W.P.No.6815 of 2016 wherein, the 5th respondent was directed to dispose of the petitioner's representation, pursuant to which, the present impugned order dated 10.08.2016 came to be passed rejecting the petitioner's request and also expressing their willingness for amicable settlement of the loan by way of compromise. Challenging the said order, this Writ Petition has been filed.

3. Learned Counsel for the petitioner fairly submitted that the petitioner is ready and willing to settle the outstanding dues towards the Educational Loan availed by the petitioner by way of One Time Settlement and hence, this Court may direct the 5th respondent to accept the OTS proposal.

4. On the above contention, this Court heard the learned counsel for the 5th respondent and perused the materials available on record.



W.P.No.19792 of 2018

WEB COPY

5. In view of the fair stand taken by the learned counsel for the petitioner, this Court, without interfering with the impugned order is inclined to issue a direction to the 5th respondent to initiate OTS proceedings and settle the matter in the manner known to law.

6. This Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

29.03.2023

Index: Yes/No

Internet: Yes

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W.P.No.19792 of 2018

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WEB COPY

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W.P.No.19792 of 2018



WEB COPY



W.P.No.19792 of 2018

M.DHANDAPANI, J.

NHS

W.P.Nos.19792 of 2018

29.03.2023