



W.P No.31861 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.09.2023**

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. No.31861 of 2018

R.Sundaramurthy

... Petitioner

-Vs-

1. The Additional Chief Secretary
Transport Department,
St. George's Fort,
Chennai – 600 009.
 2. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Villupuram.
 3. The Assistant Manager,
Tamil Nadu State Transport Corporation
Provident Fund Trust (Vellore)
Vellore.
- ... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus to direct the respondents to pay the withheld amount of Rs.1,70,106/- along with further interest at a rate of 18% p.a., from the date of retirement till the date of realisation.



W.P No.31861 of 2018

WEB COPY

For Petitioner : Mr. P.Paramasiva Doss
For 1st Respondent : Mr. R.Neethi Perumal
Government Advocate
For RR 2 & 3 : Mr. M.Aswin

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction to the respondents to pay a sum of Rs.1,70,106/- together with interest at the rate of 18% p.a., from the date of realisation.

2. The nature of the relief sought itself indicates that it is a money claim against the respondents herein. The petitioner seeks interest till the date of its realisation at the rate of 18% p.a.

3. The petitioner had jointed the respondent Corporation as a driver on 01.04.1983 and had retired on availing Voluntary retirement scheme on 05.05.2016. During the period of his service, he had obtained loan in the year 1998 to a sum of Rs.89,500/- for purchasing a plot in his



W.P No.31861 of 2018

WEB COPY

name. According to him, he had paid back the amount in installments till August 1999.

4. The petitioner claims that still a sum of R.1,70,106/- had been ordered to be recovered from the amounts payable to him on the ground that it was the interest amount which has to be paid by him and therefore deducted.

5. It is however contended on the side of the respondents that the petitioner is liable to pay the said amount and it is stated that it is contribution of the respondents/employer which is being recovered.

6. Disputed questions of facts relating to recovery of money can never be adjudicated in a Writ Petition. It requires evidence. The petitioner will have to produce documents relating to the obtaining of the loan and the repayment of the loan month after month and to prove that no further amount is payable towards the loan.



W.P No.31861 of 2018

WEB COPY

7. On the other hand, the respondents can still maintains a defence by producing documents about the amounts payable and the outstanding including interest or on any other head.

8. All these documents should be produced either by the petitioner or by the respondents and will have to be tested during the trial during cross examination. This exercise cannot be done in a Writ Petition under Article 226 of the Constitution of India.

9. It is seen from the records that the Writ Petition had been first presented before this Court on 28.11.2018. If the claim of the petitioner is barred by limitation before 28.11.2018, then the Court cannot come to the rescue of the petitioner since he had taken steps by filing a Writ Petition only in the year 2018. If the claim is not barred as on 28.11.2018, then the period taken up by the petitioner in filing this particular Writ Petition between 28.11.2018 and today / 20.09.2023 can be adjusted towards the period of limitation. The petitioner will have to file appropriate proceedings for recovery of money if at all he is of the opinion that it is a maintainable



W.P No.31861 of 2018

claim against the respondents herein.

WEB COPY

10. Observing as above, this Writ Petition stands dismissed. No order as to costs.

vsg

20.09.2023

Index:Yes/No

Neutral Citation:Yes/No

To

1. The Additional Chief Secretary
Transport Department,
St. George's Fort,
Chennai – 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Villupuram.
3. The Assistant Manager,
Tamil Nadu State Transport Corporation
Provident Fund Trust (Vellore)
Vellore.

C.V.KARTHIKEYAN,J.

Vsg



WEB COPY



W.P No.31861 of 2018

W.P No.31861 of 2018

20.09.2023