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W.P.No.16304 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.16304 of 2021

K.Chandra Sekar

Vs.

Petitioner

1. The President
The Nilgiris District Teachers Cooperative
Thrift & Credit Society No.J.333,
Udhagamandalam.
2. The Head Master
Government Higher Secondary School,
Anikorai, The Nilgiris District.
3. The Head Master,
Government Higher Secondary School,
Kotagiri, The Nilgiris District.
4. The Head Master,
Government Higher Secondary School,
Bither Kadu, The Nilgiris District.
5. The Head Master,
Government Higher Secondary School,
Manjini, Attur Taluk,
Salem District - 636 141.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 5th Respondent to get statement copy from the respondents 2 - 4, regarding the deduction the amount of loan installment and interest from the petitioner salary and to remit the same to 1st respondent 'a society towards recovery of loan by considering the representation, dated 22.04.2021, made by the petitioner, within a time to be stipulated by this Court.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.T.Rajendran,
Additional Public Prosecutor

ORDER

The petitioner who was working as Post Graduate Teacher had availed a loan of Rs.3,00,000/- from the 1st respondent society on 07.03.2009 which was repayable in 120 monthly installments apart from the recovery towards interest. According to the petitioner, 146 installments have been deducted from his salary and the same is reflected in the Provisional Demand for April 2021, dated 16.04.2021. However, another Demand has been raised by the 1st respondent by stating that the petitioner had defaulted in making regular repayment and that there is an outstanding of Rs.3,98,469/- which is inclusive of both Principal and interest.



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2. Mr.P.Ganesan, learned counsel for the petitioner submitted that despite the monthly installments towards the repayment of impugned loan has been properly done by the Pay Drawing Authorities of the Schools where the petitioner has been working, the demand shows that there is still an outstanding of Rs.3,3,98,469/- which is not acceptable. The petitioner is presently working in the 5th respondent School and previously he was working in 2nd and 4th respondents Schools. Since the loan was availed in the year 2009, the deductions have been made by the respondents 2 to 4 Schools where the petitioner was working during the relevant period.

3. Considering the above, this Court is of the view that the 5th respondent can get the recovery statement from the respondents 2 to 4 where the petitioner was working previously and sent it to the 1st respondent who can issue a revised demand notice on the basis of the above verified details.

4. Hence, the respondents 2 to 4 are directed to send a Statement of recovery in respect of the loan availed by the petitioner to the 5th



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respondent School where the petitioner is presently working, within a period of three weeks from the date of receipt of a copy of this order. On receipt of the same, the 5th respondent is directed to verify the same and send the verified statement to the 1st respondent within a period of three weeks thereafter. On receiving the verified Statements, the 1st respondent is directed to update the due remittance if any and give necessary credits for the same and then issue a fresh demand notice, within a period of two weeks thereafter.

5. With the above observation, this Writ Petitioner is disposed of.

No costs.

05.01.2024

Index: Yes / No
Speaking order / Non-speaking order
vum



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To:

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