



W.P.(MD)No.16584 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16584 of 2024

and

W.M.P.(MD)No.14349 of 2024

Ramasubramanian

... Petitioner

Vs.

1.Tamil Nadu Water Supply and Drainage Board,
Rep.by its Executive Engineer,
Maintenance Division,
Thirunelveli,
Thirunelveli District.

2.T.T.75, Tamil Nadu Water Supply and Drainage Board,
Employee's Co-operative Thrift and Credit Society Ltd.,
Rep.by its Cooperative Sub Registrar /Adminstrator,
T.T.K.Circle Compound, Sevalperi Road,
Palayamkottai,
Thirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 1st respondents impugned order issued to the petitioner in Seyalmurai Aanai No. 11811/Ko.Ve.Ni.Oo/EA2/Pa.Ko/Thili/dated 30.04.2024 and quash the same and consequently direct the respondents to disburse all the pension monetary benefits to petitioner.



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For Petitioner : Mr.B.Muneeswaran
For Respondents : Mr.R.Satheesh
Standing Counsel

ORDER

This writ petition has been filed challenging the order in Seyalmurai Aanai No. 11811/Ko.Ve.Ni.Oo/EA2/Pa.Ko/Thili/ dated 30.04.2024, through which the outstanding amount payable by some other person towards his loan amount is ordered to be deducted from the gratuity payable to the petitioner.

2.Heard Mr.B.Muneeswaran, learned counsel for the petitioner and Mr.R.Satheesh, learned Standing Counsel for the respondents.

3.By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

4.The learned counsel for the petitioner submitted that the co-worker, namely, one Seenivasan, to whom the petitioner stood as a guarantor, defaulted in paying the loan availed in the Chikkana Nanaya Sangam. It is submitted that the said Seenivasan, who had borrowed the loan, has been involved in a criminal case registered by the Vigilance and Anticorruption Department. Therefore, he was not in a position to repay the loan outstanding in his account.



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It is further submitted that the petitioner has given an undertaking that he would repay the loan amount borrowed by Seenivasan; without considering all these aspects, the respondent had passed the impugned order.

5.It is learnt from the records that the petitioner had stood as a guarantor to one Seenivasan, who had committed default in repaying the loan borrowed by him. Even if the borrower committed default in settling the loan amount, three years time limit has to be given for repaying the loan amount. The said procedure has not been followed in this case. Even before the expiry of the said period, the impugned order has been passed directing to deduct the outstanding due amount from the salary of the petitioner, who stood as a guarantor to the borrower and it is not legal.

6.For the above said reasons, this writ petition is allowed and the order in Seyalmurai Aanai No. 11811/Ko.Ve.Ni.Oo/EA2/Pa.Ko/Thili/ dated 30.04.2024 is set aside. The respondents are directed to pay the monetary benefits to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

23.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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R.N.MANJULA, J.

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