

(2018) 01 KL CK 0057
In the High Court Of Kerala
Case No : 40550 of 2017

RAJAN

APPELLANT

Vs

THE DIRECTOR, PRINTING DEPARTMENT & ORS.

RESPONDENT

Date of Decision : 16-01-2018

Acts Referred:

Citation : (2018) 01 KL CK 0057

Hon'ble Judges : Anil K.Narendran

Bench : Single Bench

Advocate : G.SUDHEER, N.P.ASHA, MABLE C KURIAN, GOPAKUMAR R.THALIYAL

Final Decision : Disposed off

Judgement

1. The petitioner is working as a Senior Grade Electrician in Government Central Press, Thiruvananthapuram. He stood as guarantor in a loan

availed by the third respondent, who retired from service on 30.04.2017, while working as Head clerk in the Government Press. When there was

default on the part of the third respondent in repayment of the loan amount, recovery steps were initiated against the petitioner, who is the

guarantor. The petitioner, therefore, approached this Court in this writ petition, seeking a writ of mandamus commanding the first respondent not to

disburse the terminal benefits of the third respondent before recovering the liability with the second respondent Bank in connection with the loan

account No.SL.77/09-10. The petitioner has also sought for a writ of mandamus commanding the second respondent to initiate recovery

proceedings against the third respondent to recover the dues in connection with the aforesaid loan transaction from her terminal benefits.

2. On 15.12.2017, this Court admitted the matter on file. The learned

Government Pleader took notice for the first respondent. Urgent notice by speed post was ordered to respondents 2 and 3 returnable within three weeks.

3. Heard the learned counsel for the petitioner, the learned Government Pleader appearing for the first respondent and also the learned counsel for the second respondent.

4. Despite service of notice, none appeared for the third respondent.

5. During the course of arguments, the learned counsel for the second respondent Bank placed for the perusal of this Court an undertaking dated

27.12.2017 given by the third respondent to the first respondent, wherein she has agreed for deduction of a sum of Rs.3,69,797/- from her

terminal benefits towards her liability in the loan account with the second respondent Bank.

6. In such circumstances, this writ petition is disposed of by directing the first respondent to deduct the aforesaid sum of Rs.3,69,797/- from the

terminal benefits payable to the third respondent and pay it to the second respondent Bank, in discharge of the liability of the third respondent in

loan account No.SL.77/09-10, in case the first respondent is in receipt of such an undertaking dated 27.12.2017 given by the third respondent.

The first respondent shall do the needful as expeditiously as possible, at any rate, within a period of two months from the date of production of a

certified copy of this judgment, if there is no legal impediments.

7. The recovery steps initiated against the petitioner shall be deferred for a period of three months. It is made clear that, if any further amount is due

to the second respondent Bank towards the liability of the third respondent, in excess of the aforesaid sum of Rs.3,69,797/-, it would be open to

the Bank to proceed against the petitioner for recovering the said amount.