

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU.**

WP(C) No. 3277/2023

Mohd. Amin

.... Petitioner(s)

Through :- Mr. Bari Abdullah, Advocate.

V/s

UT of J&K and Ors.

....Respondent(s)

Through :-

Coram: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

**ORDER
30.12.2023.**

1. By this petition, the petitioner herein has challenged Order dated 16.12.2023, whereby the petitioner has been directed to deposit the default amount and clear the NOC from the bank and in case of failure, the salary of the petitioner shall be stopped for the month of December, 2023
2. It is stated that the petitioner is working in the medical department since long and has availed many loans and is paying installments regularly without any fault. Respondent No. 4, on the basis of the letter issued by respondent No. 3 dated 19.10.2023 and circular issued by respondent No.2 dated 21.07.2022 has issued the order impugned which has been assailed on three counts, firstly- no opportunity of being heard has been given to the petitioner, secondly-without any fault/default by the petitioner, the default amount of some other borrower has been directed to be paid by the petitioner and in default it has been directed that salary of the petitioner should be stopped, thirdly- there is a old rivalry between the petitioner and father of respondent No. 5, due to which the guarantee papers, which have been signed by the petitioner for the loan case of his wife, have been annexed by the father of respondent No. 5 to secure the loan for his son.
3. Learned counsel for the petitioner states that he is not in possession of any other document except the impugned letter dated 16.12.2023. He further states that he would be satisfied if the instant writ petition is treated as representation

and the respondents are directed to consider and take appropriate decision within some stipulated period.

4. Be that as it may, the instant petition is **disposed of** with a direction to the respondents to consider the writ petition of the petitioner as representation within a period of two weeks from the date a copy of this order along with copy of writ petition with annexures are furnished to the respondents. Respondents are directed to pass speaking order within two weeks, thereafter, till then no recovery proceedings be invited by the respondents.

**(Moksha Khajuria Kazmi)
Judge**

Jammu:
30.12.2023
Neha-1

Whether the order is reportable: Yes/No

