

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 13233/2026

Shambhu Lal S/o Shri Mohanlal, Aged About 57 Years, R/o T-2/105 Anudeep Colony Bhabha Nagar Rawatbhata Dist. Chittorgarh Raj.

----Petitioner

Versus

1. Union Of India, Through Secretary Of Ministry And Dept. Of Atomic Energy Office Address-Trombay Mumbai 400 085
2. The Head (Hr) Rawatbhata Raj. Site, Nuclear Power Corporation Of India Limited Post Anushakti Via Kota Raj. Pin 323303
3. The Chairman/ Secretary, Of The B.a.r.c. Employees Co-Op. Credit Society Ltd. Mumbai Office Address Old R-5 Shed Behind Rlg Barc Trombay Mumbai 400085
4. Deputy Manager (Hr), Estt. Nuclear Power Corporation Of India Limited A Govt. Of India Enterprise Rawatbhata Raj. Site Po Anushakti Via Kota Raj. 323303
5. Kamal Kumar Nirala S/o Sh. B.I. Nirala, Aged About 58 Years, R/o H.no. 150 R.k. Puran Sector-B Kota Raj. Pin 324010 Ex-Employee/principal Borrower

----Respondents

For Petitioner(s)	:	Mr. Deepak Bishnoi
For Respondent(s)	:	Mr. Shyam Paliwal

HON'BLE DR. JUSTICE NUPUR BHATI

Order

03/07/2026

1. Learned counsel for the petitioner submits that the petitioner has given surety for the loan amount taken by the debtor Mr. Kamal Kumar Nirala. He submits that the said employee failed to repay the loan amount and the respondents have initiated the recovery from the petitioner solely on the ground that he has given the surety. He submits that the other surety preferred a writ petition, which came to be dismissed, against which an intra-court appeal being ***D.B Spl. Appl. Writ No. 1859/2025 titled***

Hemant Kumar Vs. State of Rajasthan has been filed by other surety, in which, the Hon'ble Division Bench, vide order dated 21.01.2026, has granted interim order in his favour. The order is reproduced hereunder:-

"1. Learned counsel for the appellant submits that her urgency is that the loan amount against the debtor Sh. Kamal Kumar Nirala is being recovered from the present appellant as he was the surety. Learned counsel fairly submits that ordinarily as surety, the appellant could have been responsible for the loan liability but here is the peculiar case where both the principal borrower and surety both were employees of the same respondent-corporation, which is a Union entity and Sh. Kamal Kumar Nirala was permitted to take pre-mature discharge on 31.12.2024 even when his dues were not clear. This peculiar fact requires consideration. It is also informed that service of respondent No.4 has not been properly made.

2. Thus while service upon respondent Nos.1, 2 and 3 is complete on their respective lawyers appearing, fresh notice is issued for respondent No.4, returnable within a period of four weeks.

3. In the meanwhile, no recovery shall be made from the appellant till next date."

2. Learned counsel for the petitioner further submits that same interim order may be passed in this matter also.

3. Issue notice.

4. Mr. Shyam Paliwal accepts notice behalf of respondent Nos. 1 to 4 and prays for and is granted four weeks time to file reply.

5. In the meanwhile and until next date, no recovery shall be made from the petitioner.

6. The respondents would be at liberty to file stay vacation application under Article 226(3) of the constitution of India.

(DR.NUPUR BHATI),J