

B.Ajitha Vs. the Branch Manager

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SooperKanoon Citation : sooperkanoon.com/1096688

Court : Kerala

Decided On : Oct-29-2013

Judge : Honourable Mr.Justice V.Chitambaresh

Appellant : B.Ajitha

Respondent : The Branch Manager

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.CHITAMBARESH TUESDAY, THE 29TH DAY OF OCTOBER 2013 7TH KARTHIKA, 1935 WP(C).No. 25210 of 2013 (A) ----- PETITIONER(S): ----- B.AJITHA, AGED 49 YEARS W/O.LATE JAYAPRAKASH, HEAD ACCOUNTANT, S.N.COLLEGE CHEMPAZHANTHI, THIRUVANANTHAPURAM. BY ADV. SRI.SERGI JOSEPH THOMAS RESPONDENT(S): ----- 1. THE BRANCH MANAGER KERALA STATE FINANCIAL ENTERPRISES LTD. KADAPPAKKADA BRANCH, KOLLAM 691021.

2. THE SPECIAL DEPUTY THAHASILDAR (R.R.), KERALA STATE FINANCIAL ENTERPRISES LTD. KOLLAM 691001.

3. THE PRINCIPAL, S.N.COLLEGE, CHEMPAZHANTHI THIRUVANANTHAPURAM - 695 001. R1 & R2 BY ADV. SRI.LAL GEORGE, SC, KERALA STATE FINANCIAL ENTERPRISES LTD. THIS WRIT PETITION (CIVIL)

HAVING COME UP FOR ADMISSION ON 29/10-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: DCS WP(C).No. 25210 of 2013 (A)

----- APPENDIX PETITIONER(S)' EXHIBITS
----- EXT.P1: COPY OF THE PROHIBITORY

ORDER

DATED 22/2/2013 ISSUED BY THE 2D RESPONDENT. EXT.P2: COPY OF THE PROHIBITORY

ORDER

DATED 22/2/2013, ISSUED BY THE 2D RESPONDENT. EXT.P3: COPY OF THE LETTER DATED 22/2/2013 ATTACHED TO THE PROHIBITORY

ORDER

. EXT.P4: COPY OF THE PROHIBITORY

ORDER

DATED 22/2/2013 ISSUED BY THE 2D RESPONDENT TO THE 3D RESPONDENT. EXT.P5: COPY OF THE FORWARDING LETTER DATED 15/4/13 SENT BY THE 3D RESPONDENT TO THE 2D RESPONDENT. EXT.P6: COPY OF THE RECEIPT DATED 25/6/13 ISSUED BY THE 2D RESPONDENT. EXT.P7: COPY OF THE RECEIPT DATED 15/7/13 ISSUED BY THE 2D RESPONDENT. EXT.P8: COPY OF THE SALARY CERTIFICATE OF THE PETITIONER DATED 8/10/2013 EXT.P9: COPY OF THE LETTER DATED 5/9/13 ISSUED BY THE 2D RESPONDENT. EXT.P10: COPY OF THE PROHIBITORY

ORDER

AND THE COVERING LETTER DATED 26/9/13 ISSUED BY THE 2D RESPONDENT. EXT.P11: COPY OF THE SALARY CERTIFICATE DATED 9/10/13 OF THE PETITIONER. RESPONDENT(S)' EXHIBITS
----- EXT. R1(a): EMPLOYMENT CERTIFICATE DATED 03/03/2004 TOGETHER WITH THE APPLICATION FORM EXT. R1(b): EMPLOYMENT CERTIFICATE DATED 15/09/2004 TOGETHER WITH THE APPLICATION FORM EXT. R1(c): EMPLOYMENT CERTIFICATE DATED 16/09/2004 IN RESPECT OF THE LOAN AVAILABLE TO BY MRS. K.

----- W.P.(C) No.25210 of 2013 -----

Dated this the 29th day of October, 2013

JUDGMENT

The limitations of Section 60(1)(i) of the Code of Civil Procedure 1908 applies to the attachment of the salary under Section 80 of the Kerala Revenue Recovery Act, 1968 as well. The attachable portion of the salary of the petitioner reckoning the total salary of the petitioner at Rs. 30,627/- comes to about Rs. 10,000/-. Exts. R1 series agreements permitting attachment from the salary does not enable the Kerala State Financial Enterprises to overlook other statutory provisions indicated above.

2. The petitioner has service enough to wipe off the liability due to KSFE by attachment from her salary at the rate of Rs. 10,000/- per month. I also clarify that the retiral benefits due to the petitioner shall be disbursed only after clearing the entire liability due to the KSFE.

3. Any attachment in excess of Rs. 10,000/- per month would force the petitioner to penury especially since she is a widow. I permit the respondents 1 and 2 to effect attachment W.P.(C) No.25210 of 2013 2 from the salary of the petitioner at the rate of Rs. 10,000/- per month. This will continue till the entire liability is wiped off. Ext. P10 prohibitory order to the extent it permits attachment in excess of Rs. 10,000/- from the salary of the petitioner shall not be enforced. The writ petition is disposed of. Sd/- V.CHITAMBARESH JUDGE DCS