

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 5515 of 2009 (H)

PETITIONER(S):

**BEENA A, W/O. LATE MOHAMOOD, ALIF,
TC 61/2136, MANACAUD P.O., THIRUVANANTHAPURAM.**

**BY ADVS.SRI.SIVARAM
SRI.SHANKAR V.
SRI.R.KISHORE**

RESPONDENT(S):

- 1. KERALA ELECTRICAL AND ALLIED ENGINEERING
CO. LTD., POST BOX NO.8, KUNDARA 691 501,
KOLLAM, REPRESENTED BY ITS MANAGING DIRECTOR.**
- 2. SPECIAL DEPUTY TAHSILDAR, (RR)
KSFE LTD., REGIONAL OFFICE, SILVER
JUBLEE BUILDING, STATUE, THIRUVANANTHAPURAM-1.**
- 3. KSFE REPRESENTED BY ITS
BRANCH MANAGER, KUNDARA, KOLLAM.**
- 4. STATE BANK OF TRAVANCORE,
REPRESENTED BY ITS BRANCH MANAGER, KUNDARA BRANCH,
KOLLAM.**

**R1,R2,R3 BY ADV. SRI.LAL GEORGE
R4 BY ADVS. SRI.M.PATHROSE MATTHAI (SR.)
SRI.SAJI VARGHESE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONERS' EXHIBITS

- P1: PAY ROLL ISSUED TO THE PETITIONER FOR THE MONTH OF OCTOBER 2008**
- P1(A): PAY ROLL ISSUED TO THE PETITIONER FOR THE MONTH OF NOVEMBER 2008**
- P2: COPY OF THE NOTICE SENT BY THE R3 IN THE NAME OF THE DECEASED
HUSBAND OF THE PETITIONER DATED 16/12/2008**
- P3: PAY ROLL ISSUED TO THE PETITIONER FOR THE MONTH OF DECEMBER 2008**
- P3(A): PAY ROLL ISSUED TO THE PETITIONER FOR THE MONTH OF JANUARY 2008**
- P4: THE TRUE OFFICE COPY OF LETTER DATED 7/1/2009**
- P5: COPY OF THE REPLY DATED 20/1/2009**
- P6: COPY OF THE RR NOTICE ISSUED BY THE R2 DATED 20/10/2008**
- P7: COPY OF THE PROHIBITORY ORDER ISSUED BY THE R2 DATED 20/10/2008**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.5515 of 2009

Dated this the 26th day of May, 2015

JUDGMENT

This writ petition is filed in the year 2009. The petitioner challenges the proceedings deducting salary of the petitioner at the instance of respondents 2 and 4. It appears that the petitioner's deceased husband had availed loans from the Kerala State Financial Enterprises (KSFE). The petitioner's case is that she was not a party to the loan transaction and therefore, her salary cannot be deducted. It is seen that certain amounts have been recovered from the salary of the petitioner.

There was an interim order by this Court against recovery. In view of the assertion of the petitioner that she was not a party to the loan agreement, it is made clear that individual salary of the petitioner shall not be subject to

recovery unless the petitioner is party to the agreement. Therefore, before proceeding further in future, if any, no action shall be taken against the petitioner without determining her liability after giving notice.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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