

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 4745 of 2014 (P)

PETITIONER(S) :

**REJI MATHEW,
INSPECTOR, KERALA ROAD TRANSPORT CORPORATION,
KOTTARAKKARA DEPOT, NOW RESIDING AT ANGADIYIL HOUSE,
KANNIMEL CHERRY, PATTAZHY P.O, KOTTARAKKARA P.O,
KOLLAM- 691 522.**

**BY ADVS.SRI.PRATHEESH.P
SMT.BINDU GEORGE**

RESPONDENT(S) :

- 1. THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
THIRUVANANTHAPURAM- 695 001.**
- 2. THE DISTRICT TRANSPORT OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION DEPOT,
KOLLAM- 691 001.**
- 3. THE ASST. TRANSPORT OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION,
KOTTARAKKARA, KOLLAM- 691 506.**
- 4. KERALA STATE TRANSPORT WORKERS CO-OPERATIVE SOCIETY LTD.,
NO.T.133,THAMPANOOR,THIRUVANANTHAPURAM- 695 001,
REPRESENTED BY ITS SECRETARY.**
- 5. SRI.K.ROY,
AIR VIEW COTTAGE, T.C NO.32/1081-A,
BEECH FEEGO, KUNNUMKUZHI P.O.,
THIRUVANANTHAPURAM- 695 037.**

**R1 TO R3 BY ADV. SRI.BABU JOSEPH KURUVATHAZHA, S.C
BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR, S.C
R4 BY ADV. SRI.N.UNNIKRISHNAN, S.C**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: THE COPY OF THE SALARY SLIP OF THE FOR THE MONTH OF
JANUARY, 2014.**

**EXHIBIT P2: THE COPY OF THE JUDGMENT IN W.P(C).NO.31751/2007
DATED 02-06-2011.**

**EXHIBIT P3: THE COPY OF REPRESENTATION DATED 12-02-2014 SUBMITTED
BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

EXHIBIT R4(A): A TRUE COPY OF SURETY BOND NO.5952 DATED 28.06.2003

**EXHIBIT R4(B): A TRUE COPY OF CONSENT LETTER DATED 28.06.2003
EXECUTED BY THE 5TH PETITIONER.**

**EXHIBIT R4(C): A TRUE COPY OF CONSENT LETTER DATED 28.06.2003
EXECUTED BY THE PETITIONER.**

**EXHIBIT R4(D): A TRUE COPY OF STATEMENT OF ACCOUNTS IN RESPECT
OF LOAN NO.BAL-43531 AVILAED BY SHRI ROY.K.(5TH
RESPONDENT) DATED 21.02.2014.**

**EXHIBIT R4(E): A TRUE COPY OF AWARD DATED 25.08.2011 IN
A.R.C.NO.925/2011.**

//TRUE COPY//

PA.TO JUDGE.

Msd.

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 4745 of 2014

Dated this the 04th day of August, 2015

JUDGMENT

The petitioner was the surety for the loan availed from the 4th respondent society.

2. The case of the petitioner is that recovery has been made from the salary without proceedings against the 5th respondent. It is submitted that 5th respondent is retired from the service and retirement benefits are available for recovery.

3. The liability of the surety is co-extensive with a principal borrower. Therefore it is for the creditor to decide what manner it is to be recovered. It is open for the creditor to recover either from the 5th respondent or from the petitioner. The creditor shall make every effort to recover the dues from the 5th respondent as well.

The writ petition is disposed as above.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE