

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).No. 9122 of 2012 (M)

PETITIONER:

**P.S. SUNDARAN, AGED 57 YEARS
S/O.SANKUNNI, VISAK NIVAS, POONGOD
ALATHUR P.O., PALAKKAD DISTRICT.**

BY ADV. SRI.P.R.VENKATESH

RESPONDENTS:

- 1. EXECUTIVE ENGINEER
ELETRICAL DIVISION, KERALA STATE ELECTRICTY BOARD
CHITTUR P.O., PALAKKAD-678 013.**
- 2. THE BRANCH MANAGER,
STATE BANK OF TRAVANCORE, VADAKKENCHERY BRANCH
ALATHUR, PALAKKAD DISTRICT-678 683.**
- 3. R.RAJAN
S/O.RAMAN, PUZHAKKAL HOUSE, KARIPPALI
MUDUAPALLUR P.O., PALAKKAD-678 685.**

**R2 BY ADV. SRI.T.SETHUMADHAVAN
R2 BY ADV. SRI.PUSHPARAJAN KODOTH
R3 BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)
BY SRI.T.SETHUMADHAVAN
BY SRI.K.S.ANIL, SC, KSEB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 9122 of 2012

APPENDIX

**EXHIBIT P1 : TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONR
BEFORE THE 1ST REPENDENT DATED 13.3.2012.**

**EXHIBIT P2 : TRUE COPY OF JUDGMENT DATED 253.09.2013 IN O.S. NO.48/2012
OF THE COURT OF THE MUNSIFF, ALATHUR.**

**EXHIBIT P3 : TRUE COPY OF THE DECREE IN O.S. NO.48/2012 OF THE COURT OF
THE MUNSIFF, ALATHUR.**

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

smv

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.9122 of 2012

Dated this the 12th day of March, 2015

JUDGMENT

The petitioner has come up before this Court for a direction to the first respondent to withhold the pensionary benefits due to the 3rd respondent till he pays the amount to the second respondent.

2. Petitioner was working as a Assistant Engineer under the respondent - Board. He demitted his office on 28.02.2011. While he was working as Sub Engineer at Vadakkenchery in the year 2002, he stood as surety for the loan availed by the 3rd respondent from the second respondent bank. However, the 3rd respondent has not repaid the loan and the second respondent filed O.S. No.48/2012 before the Munsiff Court, Alathur against the 3rd respondent and petitioner for recovery. The petitioner alleges that the 3rd respondent retired from service on 31.10.2009 and he is getting monthly pension also. He is entitled to get arrears of salary from August 2008 onwards on

the basis of pay revision and also other pensionary benefits including DCRG. Petitioner points out that the amount due to the 3rd respondent from the respondent Board is more than sufficient to repay the amount to the 2nd respondent. Therefore, the petitioner filed Ext.P1 representation to the first respondent requesting to withhold the amount due to the 3rd respondent till he pays the amount due to the second respondent bank. However, the first respondent has not taken any action. It is with this background the petitioner come up before this Court.

3. This Court by interim order dated 11.4.2012 directed respondents - Board not to disburse pensionary benefits due to the 3rd respondent and arrears of revised salary payable to him. Now on the basis of the said interim order which was subsequently extended the respondent - Board is keeping the money.

4. Arguments have been heard.

5. As it is an admitted fact that the money due to the 3rd respondent is with the respondent - Board and there is a money decree against the petitioner and the 3rd respondent, obtained by

the second respondent bank, the writ petition is disposed of directing the respondent - Board to pay the retirement benefits now with the KSEB to the second respondent bank within a period of two months from the date of receipt of a copy of this judgment, so that the second respondent can adjust the said amount towards the decree debt in O.S. No.48/2012 on the file of the Munsiff Court, Alathur. If the said amount is not sufficient to clear off the decree debt, it shall be open to the second respondent to proceed for the balance either against the petitioner or against the 3rd respondent in accordance with law.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

//true copy// P.A. To Judge

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