IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(C).No. 6013 of 2015 (B)

PETITIONER :

RAVI KUMAR.C, AGED 59 YEARS,
S/O.BHASKARA MENON, VYLIPARAMBATH HOUSE,
NERUVISSERY HOUSE, ARATTUPUZHA,
THRISSUR DISTRICT.

BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH

RESPONDENT(S):
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1. STATE BANK OF TRAVANCORE,
   REP. BY CHIEF GENERAL MANAGER, HEAD OFFICE, P.B.NO.34,
   POOJAPURA, THIRUVANANTHAPURAM -695 012

2. ASSISTANT GENERAL MANGER,
   REGION II, STATE BANK OF TRAVANCORE ZONAL OFFICE,
   3RD FLOOR, GEETHANJALI BUILDING, PARAMEKKAVU ROAD,
   ROUND EAST, THRISSUR -680 001

3. BRANCH MANAGER,
   STATE BANK OF TRAVANCORE, OLLUR BRANCH, OLLUR,
   THRISSUR -680 306

BY SRI.T.SETHUMADHAVAN,SENIOR ADVOCATE
ADV. SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

sts

WP(C).No. 6013 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: **TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT TO 3RD RESPONDENT DATED 02.02.2015**

P2: **TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE 3RD RESPONDENT DATED 16.02.2015**

P3: **TRUE COPY OF REPRESENTATION SUBMITTED BEFORE THE 3RD RESPONDENT DATED 18.02.2015**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.S.TO.JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.6013 OF 2015 (B)

Dated this the 6th day of March, 2015

J U D G M E N T

The petitioner, who is an employee of the respondent bank and who had availed of loan from the said bank, defaulted in repayment of the same. Consequently, the respondent bank initiated steps to recover the loan amounts from the salary of the petitioner. Ext.P2 is the communication issued by the respondent bank to the petitioner, which is impugned in the writ petition. The contention of the petitioner in the writ petition is that, he is due to retire from the service of the respondent bank in October, 2015, and it will be open to the bank to withhold the defaulted loan amounts, from the retirement benefits that are due and payable to him by the bank, consequent to his retirement from the bank. It is his submission that the present arrangement, of effecting recoveries from his salary, will cause great hardship to him since he is currently in the process of making arrangements for the marriage of his children.

2. I have heard Sri.Santhosh P. Poduval, learned counsel appearing for the petitioner as also Sri.K.Jayesh Mohankumar, the

learned Standing counsel appearing for the respondent bank.

3. A statement has been filed on behalf of the 3rd respondent wherein details of various loans that have been availed by the petitioner have been narrated. It is also pointed out that, there were five suits, instituted against the petitioner for recovery of money, and three of them have been decreed against the petitioner. The apprehension of the respondent bank, therefore, is that even though the petitioner would be entitled to retirement benefits, consequent to his retirement from service, there may not be suffcient funds, against which the respondent bank can proceed for recovery of the loan amounts. Learned counsel for the petitioner would, however, clarify that the decretal amounts in the suits, referred to by counsel for the respondent bank, are not so exorbitant as to wipe out the amounts that will be due to him by way of retirement benefits.

4. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I am of the view that the interest of justice would be served by permitting the respondent bank to proceed against the retirement benefits, that will become due and

payable to the petitioner, consequent to his retirement from service in October, 2015. I make it clear that the amounts due and outstanding from the petitioner in respect of the education loan, which is the subject matter of this writ petition, shall form a first charge on the retirement benefits that are payable to the petitioner by the respondent bank. The respondent bank will be obliged to pay to the petitioner only the balance amount, after adjusting the entire dues payable by the petitioner in respect of the aforementioned loan. For the present, the respondent bank shall refrain from deducting any amount towards the aforementioned loan, from the salary payable to the petitioner.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp