

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

WP(C).No. 11658 of 2012 (F)

PETITIONER(S) :

ANNAMMA M.M. ,
AGED 56 YEARS, W/O.JOSE.P.A. , (ENGLISH) ,
HIGH SCHOOL ASSISTANT, LITTLE FLOWER HIGH SCHOOL,
CHEMMALAMATTOM. (RESIDING AT PUTHUPARAMBIL HOUSE,
MALLIKASSERY.P.O. , PAIKA, POOVARANI) .

BY ADVS.SRI.K.GOPALAKRISHNA KURUP (SR.)
SRI.S.MANU
SMT.K.DEEPA (PAYYANUR) .

RESPONDENT(S) :

1. ERATTUPETTA HIGH SCHOOL TEACHERS CO-OPERATIVE SOCIETY
LTD.NO. 746,
ARUVITHURA.P.O. , PIN-686 122.
2. KOCHURANI MATHEW,
(TEACHER, LOWER PRIMARY SCHOOL ASSISTANT) ,
LITTLE FLOWER HIGH SCHOOL,
PAIKA. (RESIDING AT CHEMPAKASSERIL VEEDU,
VILAKKUMADAM, POOVARANI) ,
KOTTAYAM DISTRICT - 686 577.
3. ELEYAMMA ANTONY,
(TEACHER, UPPER PRIMARY SCHOOL ASSISTANT) ,
ST.AUGUSTINE HIGH SCHOOL,
PERINGALAM. (RESIDING AT KALLENKIYIL HOUSE
ERATTUPETTA) , KOTTAYAM DISTRICT - 686 121.
4. THE HEADMASTER,
LITTLE FLOWER HIGH SCHOOL, CHEMMALAMATTOM.P.O. ,
KOTTAYAM DISTRICT - 686 529.
5. THE HEADMASTER,
ST.AUGUSTINE HIGH SCHOOL, PERINGALAM,
KOTTAYAM DISTRICT - 686 582.

rvs.

6. THE HEADMASTER,
LITTLE FLOWER LOWER PRIMARY SCHOOL, PAIKA,
KOTTAYAM DISTRICT - 686 001.
7. STATE OF KERALA,
REP.BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
8. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM - 695 001.
9. THE ACCOUNTANT GENERAL (A & E) ,
OFFICE OF THE ACCOUNTANT GENERAL
THIRUVANANTHAPURAM - 695 001.

R1 BY ADV. SRI.K.G.ANIL BABU
R1 BY ADV. SRI.BIJU JOSEPH
R2,R3 BY ADV. SRI.S.PRASANTH
BY SENIOR GOVERNMENT PLEADER SMT.M.J.RAJASREE.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ivs.

APPENDIX

PETITIONER(S) EXHIBITS :

- EXHIBIT P1- TRUE COPY OF THE BOND EXECUTED BY THE PETITIONER AND RESPONDENTS 2 AND 3 IN RESPECT OF THE LOAN AVAILED BY THE 3RD RESPONDENT DATED 13.6.2003.
- EXHIBIT P2- TRUE COPY OF THE BOND EXECUTED BY THE PETITIONER AND RESPONDENTS 2 AND 3 IN RESPECT OF THE LOAN AVAILED BY THE 2ND RESPONDENT DATED 13.6.2003.
- EXHIBIT P3- TRUE COPY OF THE CONSENT LETTER GIVEN BY THE PETITIONER IN FAVOUR OF THE 1ST RESPONDENT AS PER RULING NO.1 UNDER RULE 3, PART III OF THE KERALA SERVICE RULE.
- EXHIBIT P4- TRUE COPY OF THE LETTER DATED 23.7.2010 ADDRESSED TO THE 4TH RESPONDENT BY THE 1ST RESPONDENT.
- EXHIBIT P5- TRUE COPY OF THE FORM NO.9 FORWARDED BY THE 1ST RESPONDENT TO THE 4TH RESPONDENT.
- EXHIBIT P6- TRUE COPY OF THE RECEIPT DATED 6.10.2010.
- EXHIBIT P6 (A) - TRUE COPY OF THE RECEIPT DATED 8.11.2010.
- EXHIBIT P6 (B) - TRUE COPY OF THE RECEIPT DATED 13.12.2010.
- EXHIBIT P6 (C) - TRUE COPY OF THE RECEIPT DATED 19.1.2011.
- EXHIBIT P6 (D) - TRUE COPY OF THE RECEIPT DATED 23.3.2011.
- EXHIBIT P6 (E) - TRUE COPY OF THE RECEIPT DATED 4.5.2011.
- EXHIBIT P6 (F) - TRUE COPY OF THE RECEIPT DATED 18.2.2011.
- EXHIBIT P6 (G) - TRUE COPY OF THE RECEIPT DATED 16.6.2011.
- EXHIBIT P6 (H) - TRUE COPY OF THE RECEIPT DATED 7.7.2011.
- EXHIBIT P6 (I) - TRUE COPY OF THE RECEIPT DATED 10.8.2011.
- EXHIBIT P6 (J) - TRUE COPY OF THE RECEIPT DATED 28.9.2011.
- EXHIBIT P6 (K) - TRUE COPY OF THE RECEIPT DATED 25.10.2011.

EXHIBIT P7- TRUE COPY OF THE LETTER NO.E.1595/10 DATED 4.9.2010.

EXHIBIT P8- TRUE COPY OF THE LETTER ISSUED BY THE MANAGER, STATE BANK OF INDIA THIDANAD BRANCH TO THE 4TH RESPONDENT DATED 28.10.2011.

EXHIBIT P9- TRUE COPY OF THE LETTER DATED 25.10.2011 ADDRESSED TO THE 4TH RESPONDENT.

EXHIBIT P10- TRUE COPY OF THE JUDGMENT IN WP[C]NO.4463/2008 DATED 25.6.2008.

EXHIBIT P11- TRUE COPY OF THE RECEIPT DATED 21/12/2012.

EXHIBIT P12- TRUE COPY OF THE ORDER IN I.A.NO.1481/2013 DATED 06/02/2013.

EXHIBIT P13- TRUE COPY OF THE LETTER ISSUED BY ERATTUPETTA AIDED SCHOOL SOCIETY TO THE DEPUTY DIRECTOR OF EDUCATION DATED 22/07/2014.

EXHIBIT P13(A) - TRUE ENGLISH TRANSLATION OF EXHIBIT P-13.

RESPONDENTS' EXHIBITS :

EXHIBIT R1(A) - THE TRUE COPY OF THE STATEMENT OF ACCOUNT AS ON 15/06/2012.

EXHIBIT R2(A) - THE TRUE COPY OF THE STATEMENT OF LOAN A/C ISSUED BY 1ST RESPONDENT DATED NIL.

EXHIBIT R3(A) - THE TRUE COPY OF THE LETTER SUBMITTED BEFORE THE 5TH RESPONDENT DATED 27/07/2012.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.11658 of 2012

Dated this the 5th day of January, 2015

JUDGMENT

Read interim order dated 6.2.2013. By the aforesaid interim order, the entire amount due to the petitioner from the General Provident Fund Account and other benefits were released to the petitioner except Rs.27,439/-. The amount of Rs.27,439/- was retained as per the directions of this Court. The petitioner now produced Ext.P13 along with I.A.No15299 of 2014. In Ext.P13, it is stated that the amount due to the Society from the third respondent was paid in full and final by her guarantor Mrs.Kochurani Mathew and the said account has been closed on 21.7.2014.

In view of the fact that the amount was retained for the recovery of loan account of Mrs.Aliyamma Antony for whom the petitioner stood as a guarantor, I do not find any reason

to retain the amount as ordered by this Court in the order dated 6.02.2013. Therefore, the amount as deposited pursuant to the directions of this Court shall be returned to the petitioner within a period of three weeks along with interest accrued thereon.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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