

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 25159 of 2015 (T)  
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PETITIONER : -  
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PJOHN MATHEW, AGED 56 YEARS,  
S/o P.J. MATHEW, PUTHEN VEEDU,  
KOCHICKAL, MAVELIKKARA P.O. - 690 101,  
INSPECTOR, RETIRED K.S.R.T.C.

BY ADV.SRI.K.P.JUSTINE (KARIPAT)

RESPONDENTS : -  
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1. THE MANAGING DIRECTOR, KSRTC,  
TRANSPORT BHAVAN,EAST FORT,  
THIRUVANANTAPURAM - 695 023.
2. THE EXECUTIVE DIRECTOR (ADMINISTRATION),  
KERALA STATE ROAD TRANSPORT CORPORATION,  
TRANSPORT BHAVAN,EAST FORT,  
THIRUVANANTAPURAM - 695 023.
3. THE ASSISTANT TRANSPORT OFFICER,  
KSRTC, THIRUVALLADEPOT - 690 009.
4. THE MANAGER, ALAPPUZHA DISTRICT,  
CO-OPERATIVE BANK, MAVELIKKARA BRANCH,  
MAVELIKKARA P.O. - 690 012.

BY SMT.K.N.RAJANI, SC  
BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX**

**PETITIONER'S EXHIBITS :**

EXHIBIT P1 : COPY OF THE PENSION PASS No.23911 ISSUED TO THE PETITIONER.

EXHIBIT P2 : COPY OF THE PASS BOOK IN ACCOUNT No.CPL-23/96-97 OF THE  
ALAPPUZHA DISTRICT CO-OPERATIVE BANK Ltd DATED 1.1.2001  
TO 23.7.2015.

EXHIBIT P3 : COPY OF THE STATEMENT SHOWING RECOVERY MADE DURING  
18.11.99 TO 12/2002.

EXHIBIT P4 : COPY OF THE CERTIFICATE ISSUED BY THE 3<sup>rd</sup> RESPONDENT  
DATED 18.11.1999.

EXHIBIT P5 : COPY OF THE RECOVERY STATEMENT FOR THE PERIOD 10/2007  
TO 10/2009.

EXHIBIT P6 : COPY OF THE RECOVERY STATEMENT ISSUED BY THE 3<sup>rd</sup>  
RESPONDENT DATED 19.11.2009.

EXHIBIT P7 : COPY OF THE NOTICE DATED 4.2.2015 ISSUED BY THE 4<sup>th</sup>  
RESPONDENT.

EXHIBIT P8 : COPY OF THE REPRESENTATION DATED 3.3.2015.

EXHIBIT P9 : COPY OF THE MEMORANDUM No.PA8/006428/2015 DATED 22.7.15.

**RESPONDENTS' EXHIBITS :** NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

**DAMA SESHADRI NAIDU, J.**

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**W.P.(c) No. 25159 of 2015**  
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Dated this the 18<sup>th</sup> day of August, 2015

**JUDGMENT**

The petitioner, now retired, availed himself of a loan of Rs.35,000/- from the fourth respondent Bank while he was in service. Though initially the petitioner remitted up to 10.11.1997 the Equal Monthly Instalments directly to the fourth respondent, as the remittances were irregular, the fourth respondent sought payment of the amounts from the third respondent by way of deduction from the petitioner's salary.

2. As can be seen from the record, pursuant to the request made by the fourth respondent, the third respondent Corporation effected recovery of EMIs by way of deduction from the salary of not only the petitioner, but also the guarantor.

3. It is the grievance of the petitioner that instead of deducting Rs.27,696/-, being the actual outstanding loan amount, the third respondent is said to have deducted

Rs.39,700/-from the petitioner's salary. It is also the specific grievance of the petitioner that out of the recovered amount of Rs.39,700/-, only Rs.38,260/- was remitted to the fourth respondent.

4. It also the plea of the petitioner that the fourth respondent again sought recovery from the salary of the petitioner and the third respondent in turn effected further deductions in petitioner's salary, all of which eventually lead to excess deductions from petitioner's salary.

5. Consequent to the repeated deductions from the petitioner's salary, contends the learned counsel for the petitioner, the respondent Corporation has withheld the amount due to the petitioner under DCRG and Commuted Value of Pension (CVP). In fact, the petitioner has filed Exhibit P8 representation before the first respondent ventilating his grievance with regard to what are said to be excess deductions from the salary and also the stoppage of DCRG and CVP.

6. The learned counsel has submitted that it will suffice if the writ petition is disposed of with a direction to the first respondent to consider petitioner's Exhibit P8 representation

expeditiously.

7. The learned Standing Counsel for the respondent Corporation has submitted that the first respondent does not have any objection to consider petitioner's Exhibit P8 representation in line with law.

Having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel for the respondents, this Court, without adverting to the merits of the matter, disposes of the writ petition with a direction to the first respondent to consider petitioner's Exhibit P8 representation in accordance with law, after affording an opportunity of hearing to the petitioner as well as the fourth respondent, and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment.

With the above observations, this writ petition is disposed of. No order as to costs.

**DAMA SESHADRI NAIDU**  
**JUDGE**

DMR/-