

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

WP(C).No. 33276 of 2010 (H)

PETITIONER :

**S. RAMADEVI,
RONEO OPERATOR,
KERALA LEGISLATIVE SECRETARIAT
THIRUVANANTHAPURAM-695001.**

BY ADV. SRI.A.RAJASIMHAN

RESPONDENT(S) :

- 1. SECRETARY,
GOVT. SECRETARIAT STAFF HOUSING CO-OPERATIVE SOCIETY
LTD NO.T.732, THIRUVANANTHAPURAM-695001.**
- 2. UNDER SECRETARY (ACCOUNTS),
SECRETARIAT OF KERALA LEGISLATURE
THIRUVANANTHAPURAM-695001.**
- 3. K.RAMACHANDRAN NAIR,
LIFT OPERATOR (RTD), KARTHIKA, OORUTTAMBALAM P.O.
THIRUVANANTHAPURAM-695507.**
- 4. A.BABU,
ASSEMBLY ATTENDANT,
KEY ROOM, ASSEMBLY BLOCK, KERALA LEGISLATURE
THIRUVANANTHAPURAM-695001.**

**R1 & R2 BY SR. GOVT. PLEADER SRI. K.K. SAIDALAVI
R3 BY ADVS. SRI.GOPAKUMAR R.THALIYAL
SRI.V.ANIRUDHAN NAIR
BY ADV. SRI.G.S.REGHUNATH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF THE MEMO DATED 1-12-2009.
- EXT.P2 COPY OF THE LETTER DATED 2-12-2009.
- EXT.P3 COPY OF THE SALARY SLIP FOR MARCH, 2010.
- EXT.P4 COPY OF THE INTERIM ORDER DATED 29-3-2010 OF THE LOK AYUKTA.

RESPONDENT'S EXHIBITS :

- EXT.R3(a) : COPY OF THE DETAILS OF RECOVERY EFFECTED FROM THE SALARY OF THE 3RD RESPONDENT TOWARDS THE LOAN NUMBER NCL/632/2000 AVAILED BY LATE S. SUKESAN, THE HUSBAND OF THE PETITIONER FROM THE KERALA STATE FINANCIAL ENTERPRISES LIMITED, VITHURA BRANCH, THIRUVANANTHAPURAM.
- EXT.R3(b) COPY OF THE ORDER DATED 12.8.2010 PASSED BY THE LOK AYUKTA IN COMPLAINT NO. 557/2010.
- EXT.R3(c) COPY OF THE ORDER DATED 5.5.2008 PASSED BY THE LOK AYUKTA IN COMPLAINT NO. 2476/2007.

//TRUE COPY//

P.A. TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.33276 of 2010

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Dated this the 1st day of September, 2015

JUDGMENT

The petitioner stood as a surety to the third respondent for a housing loan availed by the third respondent from the second respondent society. The loan amount was ₹30,000/- and it was availed in the year 1997. The fourth respondent was a co-surety. The petitioner points out that the loan period was over by 2000. In the year 2007, the third respondent demitted his office. However, his DCRG was withheld.

2. The petitioner further points out that after 13 years, the second respondent started recovery from her salary. She points out that vide Ext.P2, the first respondent had already asked the 2nd respondent to deduct the arrears from the DCRG withheld by the respondent society. However, instead of doing that the second

respondent is recovering the dues from the salary of the petitioner. That is the only grievance projected by the petitioner. Therefore, she prays for a direction to the second respondent to proceed against the DCRG withheld. She also points out that the fourth respondent who is the co-surety was left untouched.

3. Arguments have been heard.

4. Admittedly, the DCRG of the third respondent is withheld. Therefore, there cannot be any hurdle in the way of the first and second respondents to proceed against the DCRG which is now withheld. No prejudice would be caused to any party on account of such a procedure.

5. The petitioner points out that the mandatory stipulations in the rules were not complied with and the loan agreement was not forwarded to the Recovery Officer. The petitioner further points out that at any point of time, the arrears were not informed to the petitioner. The period of loan was thirty six months and the said

period was over in the year 2000. Therefore, according to the petitioner, the present recovery after almost seven years from the period is barred by limitation.

6. In fact vide Ext.P2 letter dated 2.12.2009, the first respondent had asked the second respondent to deduct the arrears due from the withheld DCRG of the third respondent.

Therefore, the writ petition is disposed of directing the second respondent to act in accordance with Ext.P2.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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