

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 4552 OF 2017

ORDER:

This Revision is directed against the order dated 06.07.2017 in E.P. No. 38 of 2017 in O.S. No. 176 of 2009 on the file of the Principal Junior Civil Judge's Court at Kovur, S.P.S.R. Nellore District, whereby and whereunder, the Mandal Educational Officer, Kavali Rural, the 2nd respondent herein, was directed to withhold the leave salary and other benefits relating to the petitioner herein to a tune of Rs.7,61,129/-, subject to further orders of the Court.

Learned counsel for the petitioner submits that Section 60 of the Code of Civil Procedure prohibits attachment of the amount of gratuity and pension, hence, the impugned order ought not to have been passed. Learned counsel further submits that even as per the 1st respondent, approximately Rs.30 lacs are payable to the petitioner as retirement benefits, which is the only source for him to spend the post-retirement life peacefully. In those circumstances, he seeks to set aside the order under revision.

Having considered the submissions of the learned counsel for the petitioner, this Court is of the opinion that the petitioner apprehends that the amount, in excess of Rs.7,61,129/-, would be withheld by the 2nd respondent. In that view of the matter, it is made clear that the order dated 06.07.2017 being specific with respect to the amount of Rs.7,61,129/-, there shall be no impediment for the 2nd respondent to release the amount, withholding Rs.7,61,129/- only.

Subject to the above, the Writ Petition is disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

22nd September 2017

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