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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7329/2024 & CM APPLs. 30650/2024, 30651/2024**

ASHOK KUMAR MISHRA

..... Petitioner

Through: Mr. T. Singhdev, Mr. Abhijit
Chakravarty, Ms. Anum Hussain and
Mr. Bhanu Gulati, Advocates

versus

**GOVT OF NCT THROUGH REGISTRAR OF COOPERATIVE
SOCIETIES & ORS.**

..... Respondents

Through: Mr. Anuj Aggarwal, ASC for
GNCTD with Mr. Yash Upadhyay,
Mr. Siddhant Dutt and Ms. Mahak
Rankawat, Advocates for R-1 to R-3

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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21.05.2024

CM APPL. 30705/2024 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

W.P.(C) 7329/2024 & CM APPLs. 30650/2024, 30651/2024

1. Present writ petition has been filed by the Petitioner challenging the orders dated 1st January, 2024, 10th January, 2024, 1st February, 2024 and 21st February, 2024 passed by the Assistant Collector, Grade-I, Co-operative Societies, New Delhi whereby the salary of the Petitioner has been partially attached. Petitioner is also challenging the summons dated 23rd February, 2024 and the letter dated 23rd March, 2024 issued by Sarvodaya Bal Vidyalaya, Dallupura, New Delhi – 110096. Petitioner is further seeking



directions to the Respondents to not attach the salary of the Petitioner and to not deduct any amount from his retirement or service benefits.

2. Learned counsel for the Petitioner states that vide the impugned orders the salary and allowances along with other benefits of the Petitioner has been attached. He states that the Petitioner is going to retire from the post of Lecturer (Hindi) on 31st May, 2024.

3. He states that the Respondents are not acting as per the mandate of law enumerated under Section 60 of the Civil Procedure Code, 1908 and Section 11 of the Pension Act, 1871. He states that as per Section 60(1)(g) of the Civil Procedure Code, 1908 stipend as well as gratuities paid to pensioners of the government or of any other employer or payable out of any service family pension fund is not liable to be attached in execution of a decree.

4. Having heard learned counsel for the Petitioner, this Court is of the view that the reliance on Section 60(1)(g) of the Civil Procedure Code, 1908 is misplaced since the said Section protects only the retired employees/pensioners. Petitioner is currently in active service and is due to retire on 31st May, 2024. Consequently, the present writ petition as of today is not maintainable. Accordingly, the same is dismissed as premature.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MAY 21, 2024/rhc