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

+ **W.P.(C) 418/2024 & C.M.Nos.1871-1872/2024**

KUSMITA MISHRA

..... Petitioner

Through: Mr.Rakesh Kumar Burman,
Advocate.

versus

ASSISTANT COLLECTOR GRADE (I) & ORS..... Respondents

Through: Mr.Udit Malik, ASC with
Mr.Prashant Manchanda, Ms.Nancy
Jain and Ms.Haridas Medna Dilip,
Advocates for R-1.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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11.01.2024

1. Present writ petition has been filed by the petitioner challenging the attachment warrant dated 7th July, 2023 issued by the respondent no.1 (Assistant Collector, GNCTD) whereby the amount of Rs.15,000 was directed to be deducted every month from the bank account of the petitioner.
2. Learned counsel for the petitioner states that the petitioner was working as a Nursery Teacher in a MCD school and retired on 31st July, 2014. Thereafter, she is receiving a pension of INR 38,587/- per month.
3. He states that in the second week of July, 2023, the petitioner came to know through the Bank Manager of Punjab National Bank, Sector-5, Rohini, Delhi that he has received an attachment warrant from the respondent no.1 for deduction of Rs.15,000 per month till further orders.



4. Learned counsel for the petitioner states that being aggrieved from the attachment warrant dated 7th July, 2023, the petitioner filed an application dated 3rd October, 2023 before the respondent no. 1 to recall the attachment warrant dated 7th July, 2023, but no action has been taken till date.
5. He submits that as per Section 11 of the Pension Act, 1871, the amount of pension is exempt from attachment, seizure and securitization.
6. Issue notice. Mr. Udit Malik, learned ASC accepts notice on behalf of respondent no.1. He assures and undertakes to this Court that the petitioner's application dated 3rd October, 2023 shall be decided within a week.
7. Keeping in view the aforesaid, present writ petition along with the applications is disposed of with a direction to the respondent no.1 to decide the petitioner's application dated 3rd October, 2023 for recall of the attachment warrant dated 7th July, 2023 within a week in accordance with law. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 11, 2024
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