



W.P.No.316 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.316 of 2025
WMP.No.363 of 2025

M. Nagarajan

... Petitioner

Vs

1. The Director

King Institute of Preventive Medicine,
Government of Tamil Nadu,
Guindy, Chennai 600 032.

2. Shriram City Union Finance,

11, Ramasamy Avenue, Adayar,
Chennai 600 020.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Certiorarified Mandamus to call for the records relating to the 1st respondent's notice in letter No.Na.Ka.1449/N4/2024 dated 26.09.2024 and quash the same and direct the 1st respondent to release the withheld retirement benefits of Rs.9,50,000/-.

For Petitioner : Mr.K.R.Gayathiri

For Respondents : Mr.E.Sundaram for R1
No appearance for R2



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ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the 1st respondent's notice in letter No.Na.Ka.1449/N4/2024 dated 26.09.2024 and quash the same and direct the 1st respondent to release the withheld retirement benefits of Rs.9,50,000/-.

2. In the affidavit filed in support of the writ petition, it had been contended that consequent to the loan having been obtained by the petitioner from the 2nd respondent and non repayment of such loan the 2nd respondent has filed an Execution Petition in E.P.No.1040 of 2014 and E.P.No.3646 of 2017 on the strength of decrees obtained from the Civil Court. Thereafter, they have filed an application to attach the salary of the petitioner. Now the petitioner had retired from service on attaining the age of superannuation. The first respondent has issued the impugned communication stating that the decree amount will have to be settled in entirety from being deducted from the retirement benefits.

3. The learned counsel for the petitioner placed reliance on Section 61 of the Code of Civil Procedure which placed certain restrictions on the deductions being made from the retirement benefits. But such arguments should be



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advanced before the Court which passed the order of attachment of salary.

4. The learned counsel further stated that the said order was passed exparte but however that does not preclude the petitioner from approaching the said Execution Court and making out a case to set aside the exparte order and making out a case for limited deductions from the retirement benefits and to exclude such of those retirement benefits which could not be subject to execution or attachment in accordance with Section 61 of the Code of Civil Procedure. The scope of this Court to interfere with the decree of the Court below is extremely narrow. The writ petition is dismissed with liberty to the petitioner to approach the appropriate Court. No costs. Consequently, connected miscellaneous petition is also closed.

25.02.2025

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Index : Yes /No

Speaking Order : Yes/No

To

1. The Director

King Institute of Preventive Medicine,
Government of Tamil Nadu,
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C.V.KARTHIKEYAN, J.

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