

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 31<sup>ST</sup> DAY OF MARCH 2023 / 10TH CHAITHRA, 1945

WP(C) NO. 11677 OF 2023

PETITIONER:

BABU MATHAI  
AGED 56 YEARS  
S/O. A.C. MATHAI, ATHAPADATH HOUSE, PUTHENCROUZ,  
KANINADU P.O., ERNAKULAM DISTRICT, PIN - 682310  
BY ADVS.  
N.M.MADHU  
C.S.RAJANI

RESPONDENTS:

- 1 THE KERALA STATE FINANCIAL ENTERPRISES LIMITED  
KADUNGATHUKUNDU BRANCH, VALAVANNUR GRAMA PANCHAYATH  
BUILDING, P.O. KALPAKANCHERRY, MALAPPURAM DISTRICT,  
REP. BY ITS BRANCH MANAGER, PIN - 676551
- 2 THE SPECIAL TAHSILDAR (RR)  
K.S.F.E. LTD., ERNAKULAM BRANCH, MORNING STAR  
BUILDINGS, CHITTOOR ROAD, KACHERIPADY, ERNAKULAM, PIN -  
682018
- 3 THE DEPUTY DIRECTOR OF EDUCATION  
KOTTAPPADY, DOWN HILL, MALAPPURAM DISTRICT, PIN -  
676519.  
BY ADVS.  
SRI.SALIL NARAYANAN.K.A., STANDING COUNSEL FOR R1  
SMT.DEEPA NARAYANAN, SENIOR GOVERNMENT PLEADER FOR R2 &  
R3

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
31.03.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

**Dated this the 31<sup>st</sup> day of March, 2023**

Petitioner has joined the chitties conducted by the Ernakulam Branch of the Kerala State Financial Enterprises Limited – the 2<sup>nd</sup> respondent, and availed the prize money thereof. Admittedly, repayment was defaulted, consequent to which, action is initiated by the Kerala State Financial Enterprises Limited, resorting to the provisions of the Kerala Revenue Recovery Act, 1968, evident from Exhibit P2 series of notice issued under sections 7 & 34 the Act, 1968.

2. According to the petitioner, petitioner is due to retire on 30.4.2023. The KSFE has issued Exhibit Exhibit P1 notice to the employer of the petitioner i.e., the Deputy Director of Education, Kottappady, Malappuram District – the 3<sup>rd</sup> respondent, to recover the amounts specified therein, along with interest and costs.

3. The case projected by the petitioner is that from and out of the retiral benefits, the petitioner has no objection in recovering the amount due under Exhibit P1. Learned Standing Counsel for KSFE submitted that as on today, an

amount of Rs.26,91,922/- is due from the petitioner. Learned counsel for the petitioner also submitted that the recovery action initiated under the provisions of the Kerala Revenue Recovery Act, 1968, may be directed to be kept in abeyance, if the amount is able to be secured from the employer as per Exhibit P1 requisition made by the Kerala State Financial Enterprises Limited.

4. I have heard learned counsel for petitioner - Sri.N.M.Madhu, learned Senior Government Pleader - Smt.Deepa Narayanan, learned Standing Counsel for the KSFE - Sri.Salil Narayanan.K.A. and perused the pleadings and material on record.

5. The deliberation made above would make it clear that the petitioner has no objection in recovering the actual amount due, by the employer from his retiral benefits. Therefore, there will be a direction to the 3<sup>rd</sup> respondent to recover the amount due to the KSFE from the retiral benefits of the petitioner, to the extent covered under Exhibit P1 along with interest and costs. The 3<sup>rd</sup> respondent may take notice of the submission made by the Kerala State Financial Enterprises Limited before this Court with respect to the total amount outstanding due as on today and if the amount due to the KSFE covers the retiral benefits due to the petitioner, then the coercive action initiated against the petitioner as per the Kerala Revenue Recovery Act, 1968, shall be kept in

abeyance and if the amount is not recovered, the KSFE will be at liberty to resurrect action by making appropriate requisition to the recovery authorities.

Writ petition is disposed of accordingly.

Sd/-

**SHAJI P.CHALY**

**JUDGE**

smv

APPENDIX OF WP(C) 11677/2023

## PETITIONER'S EXHIBITS

Exhibit P1	TRUE COPY OF THE NOTICE DATED 23.12.2022 ISSUED BY THE FIRST RESPONDENT TO THE THIRD RESPONDENT
Exhibit P2	TRUE COPY OF THE NOTICE DATED 07.03.2023 DEMANDING A SUM OF RS.57,550/-
Exhibit P2 (a)	TRUE COPY OF THE NOTICE DATED 07.03.2023 DEMANDING A SUM OF RS.95,973/-
Exhibit P2 (b)	TRUE COPY OF THE NOTICE DATED 07.03.2023 DEMANDING A SUM OF RS.1,33,556/-
Exhibit P2 (c)	TRUE COPY OF THE NOTICE DATED 07.03.2023 DEMANDING A SUM OF RS.4,84,897/-
Exhibit P2 (d)	TRUE COPY OF THE NOTICE DATED 07.03.2023 DEMANDING A SUM OF RS.6,09,023/-
Exhibit P2 (e)	TRUE COPY OF THE NOTICE DATED 07.03.2023 DEMANDING A SUM OF RS.88,510/-
Exhibit P2 (f)	TRUE COPY OF THE NOTICE DATED 07.03.2023 DEMANDING A SUM OF RS.1,33,556/-
Exhibit P2 (g)	TRUE COPY OF THE NOTICE DATED 07.03.2023 DEMANDING A SUM OF RS.1,99,319/-
Exhibit P2 (h)	TRUE COPY OF THE NOTICE DATED 07.03.2023 DEMANDING A SUM OF RS.51,517/-
Exhibit P2 (i)	TRUE COPY OF THE NOTICE DATED 07.03.2023 DEMANDING A SUM OF RS.34,527/-
Exhibit1 P2 (j)	TRUE COPY OF THE NOTICE DATED 07.03.2023 DEMANDING A SUM OF RS.1,52,911/-