

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 4TH DAY OF NOVEMBER 2022 / 13TH KARTHIKA, 1944

WP(C) NO. 34143 OF 2022

PETITIONER:

MRS SUSHAMA AP
AGED 35 YEARS
W/O: MR. RIJESH KUMAR,
ARATTUPARAMBIL HOUSE, THIRUVANGUR POST, KOZHIKODE,
KERALA
PIN - 673304

BY ADV I.P.SREEKANTH

RESPONDENTS:

- 1 STATE OF KERALA REP BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF FINANCE
REPRESENTED BY GOVERNMENT PLEADER,HIGH COURT OF KERALA,
PIN - 682031
- 2 THE CHAIRMAN, THE KERALA STATE FINANCIAL ENTERPRISES
LTD
THE KERALA STATE FINANCIAL ENTERPRISES LTD.
"BHADRATHA", MUSEUM ROAD, PB NO.510, THRISSUR,
KERALA
PIN - 680020
- 3 THE MANAGING DIRECTOR, THE KERALA STATE FINANCIAL
ENTERPRISES LTD.
THE KERALA STATE FINANCIAL ENTERPRISES LTD.
"BHADRATHA", MUSEUM ROAD, PB NO.510, THRISSUR,
KERALA,
PIN - 680020
- 4 THE GENERAL MANAGER,THE KERALA STATE FINANCIAL
ENTERPRISES LTD.
THE KERALA STATE FINANCIAL ENTERPRISES LTD.
"BHADRATHA", MUSEUM ROAD, PB NO.510, THRISSUR,
KERALA,, PIN - 680020
- 5 THE REGIONAL MANAGER , THE KERALA STATE FINANCIAL
ENTERPRISES LTD.
REGIONAL OFFICE, KOZHIKODE URBAN (994),THE KERALA STATE
FINANCIAL ENTERPRISES LTD, ARADHANA KAMALA BUILDING,
P.B. NO.555, KALLAI ROAD, KOZHIKODE, KERALA, , PIN -
673002
- 6 THE BRANCH MANAGER, THE KERALA STATE FINANCIAL
ENTERPRISES LTD (UNIT 8)

- THE KERALA STATE FINANCIAL ENTERPRISES LTD
(UNIT08), JAYANTHI BUILDING, PALAYAM,
KOZHIKODE, KERALA, PIN - 673001
- 7 THE INSURANCE MEDICAL OFFICER, ESI
DISPENSARY, CHERUVANNUR, KOZHIKODE
ESI DISPENSARY, CHERUVANNUR, FEROKE,
KOZHIKODE, PIN - 673631
- 8 THE HEAD MASTER, GOVT U P SCHOOL, VELLAYIL
WEST, KOZHIKODE.
REPRESENTED BY GOVERNMENT PLEADER, HIGH COURT
OF KERALA, PIN - 682031
BY ADV P.C.ANIL KUMAR

OTHER PRESENT:

SC FOR ESI T.V.AJAYAKUMAR; GP AMMINIKUTTY K

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 04.11.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 4th day of November, 2022

The petitioner availed a loan of Rs. 5,00,000/- from the KSFE and repaid Rs. 3,48,377/-, leaving amount of Rs.1,51,623/-, in balance towards the principle amount. Therefore, KSFE initiated recovery proceedings and requested the petitioner's employer to deduct an amount of Rs. 10,000/- from the petitioner's monthly salary. Aggrieved, this writ petition is filed.

2. Learned counsel for the petitioner submitted that the petitioner is ready and willing to repay the balance amount, but she may not be put to the ignominy of effecting recovery from her salary.

3. Learned standing counsel submitted that, as on today, an amount of Rs. 3,33,475/- is due from the petitioner and the KSFE had resorted to recovery from the petitioner's salary

only because of the petitioner's refusal to remit any amount after 2019. It is submitted that even if the facility of repayment in installments is granted, that should be limited to the minimum.

4. Considering that a substantial amount has been repaid towards the loan and the willingness expressed by the petitioner to repay the balance amount, the writ petition is disposed of as under;

The petitioner is permitted to repay the balance amount of Rs. 33,33,457/-, with interest and cost if any, in 12 equated monthly installments. The first installment shall be paid on or before 01.12.2022 and the balance installments before the first of every succeeding month. Default in any one of the installments will result in the benefit of this judgment being recalled and the KSFE being at liberty to effect recovering from the petitioner's salary. If the installments are remitted without default, recovery from the petitioner's salary, based

on Exts. P.12 and P.13 notices, shall be kept on hold.

Sd/-

**V.G.ARUN,
JUDGE**

mtk

APPENDIX OF WP(C) 34143/2022

PETITIONER EXHIBITS

Exhibit1	THE ORIGINAL PASSBOOK ISSUED TO PETITIONER
Exhibit2	THE COPY OF EXTRACT OF LEDGER ISSUED BY THE KSFE LTD TO PETITIONER
Exhibit3	ORIGINAL DEMAND NOTICE ISSUED TO PETITIONER
Exhibit4	DEMAND NOTICE ISSUED TO PETITIONER
Exhibit5	DEMAND NOTICE ISSUED TO PETITIONER
Exhibit6	DUPLICATE COPY OF ABOVE REGISTERED LAWYER NOTICE ISSUED TO THE OFFICIALS OF KSFE LTD BY ADV SREEKANTH IDUKKAPARAKKAL
Exhibit7	ORIGINAL REGISTERED REPLY NOTICE ISSUED BY ADV ADWAITH K
Exhibit8	COPY OF ABOVE SETTLEMENT NOTICE ISSUED TO AGM(KOZHIKODE REGION)
Exhibit9	DUPLICATE COPY OF ABOVE REGISTERED LAWYER NOTICE ISSUED TO THE OFFICIALS OF KSFE LTD BY ADV SREEKANTH IDUKKAPARAKKAL
Exhibit10	ORIGINAL COPY OF ABOVE NOTICE ISSUED BY THE KSFE LTD PALAYAM BRANCH
Exhibit11	COPY OF ABOVE INTIMATION ISSUED TO THE SENIOR MANAGER (BUSINESS) KSFE LTD BY BRANCH MANAGER, KSFE LTD PALAYAM BRANCH, KOZHIKODE
Exhibit12	COPY OF ABOVE LETTER ISSUED TO THE INSURANCE MEDICAL OFFICER, ESI DISPENSORY, FEROKE, KOZHIKODE BY

BRANCH MANAGER, KSFE LTD PALAYAM
BRANCH, KOZHIKODE

Exhibit13

COPY OF ABOVE LETTER ISSUED TO THE
HEAD MASTER, GOVT U P SCHOOL,
VELLAYIL WEST, KOZHIKODE BY BRANCH
MANAGER, KSFE LTD PALAYAM BRANCH,
KOZHIKODE