

O.A.No.28/2005.

CORAM:

**K.Karunakaran, Retired Junior Deck-Hand,
Integrated Fisheries Project, Kochi-16,
residing at 3/303, Illikkal House,
Prasanth Nagar Road, Maradu P.O.,
Ernakulam District. Applicant
By Advocate Shri P.A.Kumaran)**

Vs.

1. Union of India represented by its Secretary,
Ministry of Agriculture,
Department of Animal Husbandry and Dairing,
Krishi Bhavan, New Delhi-1.
2. Accounts Officer, O/o the Director,
Integrated Fisheries Project, Kochi-16.
3. The Special Deputy Tahasildar (RR),
O/o the Special Deputy Tahasildar (RR),
KSFE Ltd, Kacherippady, Kochi-18.
4. Elizabeth John, W/o P.A.Varghese,
Branch Manager, KSFE Ltd., Vytilla Branch,
Kochi-682 019.

(By Advocate Shri TPM Ibrahim Khan, (R.1&2)
(By Advocate Shri Renjith A., GP(R3)
(By Advocate Shri A.K.John, (R4)

ORDER (Oral)

The applicant, aggrieved by the order dated 20.11.2004 issued by the 3rd respondent directing the 2nd respondent to recover an amount of Rs.40,803/- by way of revenue recovery from the retirement gratuity of the applicant and the order dated 30.11.2004 issued by the 2nd respondent to recover an amount of Rs.40,803/- from the retirement gratuity, filed this O.A. seeking the following main reliefs:

- i) Quash Annexure A1 and A2.
- ii) To direct the respondents not to recover any amount from the

gratuity/pensionary benefits of the applicant.

2. When the matter came up before the Bench, Shri PA Kumaran, learned counsel appeared for the applicant, Shri TPM Ibrahim Khan, SCGSC, appeared for R.1&2, Shri Renjith A, GP, appeared for R-3 and Shri A.K.John, learned counsel appeared for R-4.

3. The respondents have already filed separate reply statements. The issue is regarding recovery of certain amount due to the Kerala State Financial Enterprises(KSFE for short) and the Special Deputy Tahsildar's (RR) proceedings are impugned here.

4. When the matter came up before the Bench, learned counsel for the applicant has filed a copy of the order of the Manager (RR) from the KSFE Ltd. Dated 4.5.2005, wherein it is stated that "The entire amount due to the above R.R.case, including interest, other charges and notice charges has been collected by the SDT(RR), Ernakulam and necessary collection advice and closing report has been received in the office". In addition to that, it is also expressed that "an amount of Rs.1,500/0(Rupees One Thousand, Five hundred only) has collected by Special deputy Tahsildar in excess, in this case and directed him to refund the same".

5. When the matter was taken up on 5.10.05, the 4th respondent has sought time to verify the said letter and get instructions and today when the matter came up before the Bench, counsel submitted that the amount has already collected. He also submitted that, though the impugned orders are pertaining to one loan, the applicant is a surety to his wife to another loan, and liberty may be granted to proceed accordingly.

6. I want to make it clear that, as far as this case is concerned, there is no adjudication required and the liberty is always available to the respondents to proceed with any other matter, even without an observation from this court, if it is legally permissible.

7. In view of the said developments and submissions and since the entire amount



collected in full satisfaction of the 4th respondent, I am of the view that, nothing survives and the O.A. is to be closed/dismissed.

8. Accordingly, the O.A. is closed and dismissed. In the circumstances, no order as to costs.

Dated, the 6th October, 2005.



K.V.SACHIDANANDAN
JUDICIAL MEMBER