

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.1833/2014

This the 6th day of September, 2016

Hon'ble Shri P.K. Basu, Member (A)

Ms. Poonam Kumari Sinha
Age 40 years Seminar Clerk
D/o late Gorakh Nath
R/o 21/1, Railway Colony
Sewa Nagar, New Delhi.Applicant

(By Advocate: Shri H K Chakrovory for Shri P S Khare)

Versus

The General Manager(Personnel)
Northern Railways, Hqrs. Baroda House
New Delhi.Respondent

(By Advocate: Shri Rahul Pandey)

O R D E R (ORAL)

Heard the learned counsel for both parties.

2. The issue before this Tribunal has arisen out of recovery orders passed by courts against the applicant in certain matters of loans taken by her from banks as well as the security being given by her for another employee who had defaulted after taking the loan from the banks.

3. Learned counsel for the applicant states that as per Section 60 of the Code of Civil Procedure, the proviso to the section, *inter alia*, provides that the following shall not be liable to attachment and sale in execution of decree:-

"60(i) salary to the extent of the [the first (one thousand rupees) and two thirds of the remainder]

(in execution of any decree other than a decree for maintenance]"

4. It is stated that the recovery from her salary is far in excess of the stipulation as stated above. I have gone through the proceedings as well as reply of the respondents and heard both the counsel. The above provision of CPC has indeed to be followed. However, since courts have passed orders, it will be appropriate for the applicant to approach the respective courts who have passed the order of recovery and seek exemption from there. This Tribunal cannot interfere in this matter.

5. OA is accordingly dismissed.

(P.K. Basu)
Member (A)

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