
(1950) 06 CAL CK 0040
In the Calcutta High Court
Case No : Civil Rule No. 283 of 1950

Chief Accounts Officer, E.I. Railway

APPELLANT

Vs

Indra Lull and Another

RESPONDENT

Date of Decision : 02-06-1950

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 21 Rule 46, Order 21 Rule 48, 60

Citation : AIR 1951 Cal 315

Hon'ble Judges : Roxburgh, J

Bench : Single Bench

Advocate : Bhabesh Narayan Bose, for the Appellant; Sanat Kumar Mukherji and Subodh Kumar Bhattacharyya, for the Respondent

Judgement

Roxburgh, J.—This is a Rule against an extraordinary order by the Munsif, First Court, Asansol, directing that a sum of Rs. 92-12-0 be attached from the pay of the Chief accounts officer, East Indian Railway, falling due on 1-3-1950, and thereafter from month to month until the final liquidation of the claim in the execution case before him. The execution case was being carried on against a judgment-debtor, E. W. Adams, an employee of the Railway. The learned Munsif holding that his orders under Order 21, Rule 48, C. P. C., were not being complied with thought that he could apply the necessary screw on the Chief Accounts Officer by directly attaching that officer's pay. Obviously, the learned Munsif has no such power. A faint suggestion was made before me that under Order 21, Rule 46 (b), C. P. C., the learned Munsif had such power but even assuming that the rule applied, the garnishee in that case would not be the Chief Accounts Officer but the Government the employer of the judgment-debtor. In no circumstances could the learned Munsif attach directly the pay of the Chief Accounts Officer himself.

2. The result is that the rule is made absolute and the order is set aside. The petitioner, namely, the Chief Accounts Officer, is entitled to his costs.