

**(2010) 11 KL CK 0033**

**In the High Court Of Kerala**

**Case No : Writ Petition (C) No. 2953 of 2010 (T)**

Sarijini N.C.

APPELLANT

Vs

The Superintendent, The Regional Manager, The Accountant  
General (A and E) and State of Kerala

RESPONDENT

**Date of Decision : 15-11-2010**

**Acts Referred:**

**Citation : (2010) 11 KL CK 0033**

**Hon'ble Judges : S. Siri Jagan, J**

**Bench : Single Bench**

**Advocate : R. Bindu Sasthamangalam, for the Appellant; M.K. Chandra Mohandas, for the Respondent**

**Final Decision : Dismissed**

## Judgement

S. Siri Jagan, J.—The petitioner is retired from service of the Government as a Grade-I Assistant of the Medical College Hospital, Kozhikode on 30.04.2007. The petitioner has not been paid her gratuity amount. On enquiry, the petitioner was informed that, the petitioner stood as a guarantor for certain loan amounts due to the Kerala State Development Corporation for Scheduled Castes & Scheduled Tribes Limited from one Sri. Bhaskaran, the brother of the petitioner. The petitioner challenges the recovery of that amount from the petitioner on the ground that the petitioner has not agreed for such recovery from her DCRG. Along with an additional statement of the 2nd respondent, the 2nd respondent has produced Ext.R2 (a), which would go to show that the petitioner had executed an agreement agreeing for recovery of the amounts from the gratuity/death-cum-retirement gratuity amount payable to the petitioner. The petitioner disputes that, Ext.R2 (a) has been executed by her. I cannot decide the question as to whether the Ext.R2 (a) has been executed by the petitioner or not insofar as signatures appearing in Ext.R2 (a) and the writ petition appears similar. As to whether Ext.R2 (a) has been actually executed by the petitioner is a matter which the petitioner has to prove by evidence in a suit filed for the purpose.

Therefore without prejudice to that right of the petitioner, this writ petition is dismissed.