

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

RP.No. 482 of 2015 (F)

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(AGAINST THE JUDGMENT IN WP(C).NO. 13657/2015 DATED 08-05-2015)
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PETITIONER/RESPONDENT:

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THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
ERNAKULAM.**

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENT/PETITIONER:

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BIJU GEORGE ABRAHAM,
CHALAPPURATH HOUSE, VARIKOLY P.O,
PUTHENCROUZ- 682 308.**

BY SRI.STALIN PETER DAVIS

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.MUHAMED MUSTAQUE, J.

R.P.No.482 of 2015

in

W.P.(C).No.13657 of 2015

Dated this the 21st day of July, 2015

ORDER

This review petition is at the instance of the respondent in the writ petition.

2. This Court by judgment dated 08.05.2015 directed the review petitioner to issue welfare fund clearance certificate in respect of vehicle bearing Registration No.KL-40/6548 on the premise that, the writ petitioner has cleared the entire welfare fund due. There is no dispute to the fact that, the writ petitioner has paid the welfare fund due treating it as a Light Motor Vehicle.

3. The learned counsel for the Board submits that, the vehicle of the writ petitioner is Medium Passenger Motor Vehicle and therefore, the welfare fund due to the petitioner is at the rate applicable for Heavy Passenger Motor Vehicle.

4. The learned counsel for the writ petitioner points out that, the Welfare Fund Board receiving the due from the petitioner since 2007 onwards without any demand or protest and the vehicle is only Light Motor Vehicle.

5. This Court is not expressing anything on the merit of the rival contention. It is apparent that the Board is attempting to claim their entire arrears from 2007 onwards as applicable to Heavy

Passenger Motor Vehicle for the reason that, the vehicle is MPMV. If such right is available to the Board, the Board is free to do so in accordance with law. The judgment is clarified to the said extent.

Accordingly, this review petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

AV