

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C).No. 2585 of 2007 (G)

PETITIONER:

**K.G. PRAMOD, S/O.GOVINDAN,
AGED 38 YEARS,
KANNAMBRATH VEEDU, KOOTLANGADI VILLAGE, MALAPPURAM.**

BY ADV. SRI.M.K.CHANDRA MOHANDAS

RESPONDENTS:

- 1. JOINT SECRETARY TO GOVERNMENT,
LABOUR AND REHABILITATION (S) DEPARTMENT,
TRIVANDRUM.**
- 2. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
MALAPPURAM.**
- 3. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY, MALAPPURAM.**
- 4. THE VILLAGE OFFICER,
KOOTILANGADI, MALAPPURAM.**

**R2 BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
R2 BY ADV. SRI.P.M.HABEEB
BY GOVERNMENT PLEADER, SRI. V.K. RAFEEQ**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 2585 of 2007 (G)

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1. - COPY OF THE CERTIFICATE ISSUED BY RTO, MALAPPURAM
DATED 06.07.2005.
- EXHIBIT P2. - COPY OF THE FINAL DETERMINATION ORDER DATED 3.12.2002
- EXHIBIT P3. - COPY OF THE ORDER DATED 24.8.2006 OF THE 1ST
RESPONDENT.
- EXHIBIT P4. - COPY OF THE REVENUE RECOVERY PROCEEDINGS OF THE
4TH RESPONDENT DATED 30.12.2006.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

K.VINOD CHANDRAN, J.
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W.P(C) No.2585 of 2007
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Dated this the 29th day of January, 2015

JUDGMENT

The petitioner is aggrieved with the dismissal of an appeal, for reason of the inordinate delay of nearly three years in filing the appeal. Admittedly, the petitioner was assessed under the Kerala Motor Transport Workers Welfare Fund Act, 1985. As the provisions existed then, ie, for the period 2000-2002, an appeal was provided by Section 8, within 60 days from the receipt of the order, to the Government. Herein, admittedly, the appeal has been filed with a delay of more than three years. The same was dismissed as per Ext.P3.

2. The petitioner has not produced the appeal memorandum or the application to condone the delay and there are no grounds stated in the writ petition to explain the inordinate delay caused. In such circumstance, no

interference can be made to Ext.P3. The writ petition would stand dismissed. However, considering the fact that the writ petition was pending from the year 2007, if the petitioner approaches the authority within a period of two weeks from today, the authority shall issue a statement of dues and shall also grant six monthly instalments to settle the dues. If one default is caused, the authority would be entitled to proceed for recovery. If any amounts have been paid in pursuance to the interim order of this Court, that shall be given credit to.

Writ petition dismissed.

Sd/-
K.VINOD CHANDRAN, JUDGE

vdv //True Copy//

P.A to Judge