

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

OP.No. 25107 of 2000(L)

PETITIONER:

1. K.R.SIVAN, S/O.K.S.RAMAN,
AGED 46 YEARS, MOTOR VEHICLE INSPECTOR,
SUB R.T.OFFICE, PONNANI
2. E.S.JAMES, MOTOR VEHICLE INSPECTOR,
FLYING SQUAD, DEPUTY TRANSPORT COMMISSIONER OFFICE,
NORTH ZONE, KOZHIKODE

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

1. THE STATE OF KERALA REPRESENTED
BY ITS CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM
2. SRI P.RAJENDRAN, SENIOR SUPERINTENDENT,
TRANSPORT COMMISSIONER'S OFFICE,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM

BY ADV. SRI.C.P.SUDHAKARA PRASAD
GOVERNMENT PLEADER, SMT.T.B.REMANI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 25/05/2007 , THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP.No. 25107 of 2000(L)

ORDER ON C.M.P No42307/2000

CLOSED.

SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

25/05/2007

A P P E N D I X

PETITIONERS' EXTS:

EXT.P1: TRUE COPY OF THE SENIORITY LIST OF SENIOR
SUPTS./SENIOR SUPTS.(ACCOUNTS) AS ON 31/12/1998, DATED
16/07/1998

EXT.P2 TRUE COPY OF THE PETITIONS FILED BEFORE THE
HON'BLE MINISTER FOR TRANSPORT, DATED NIL

EXT.P3 TRUE COPY OF THE REPLY OF THE GOVERNMENT
(NO.6699/C3/98/TRAN.), DATED 10/07/1998

EXT.P4 TRUE COPY OF THE DRAFT RULES PREPARED BY THE
GOVT., DATED NIL

EXT.P5 TRUE COPY OF THE ORDER IN C.M.P NO.14715/2000 IN
O.P NO.8804/2000-W, DATED 22/03/2000

\\TRUE COPY\\

THOTTATHIL B. RADHAKRISHNAN, J

O.P.No. 25107 of 2000

Dated this the 25th day of May, 2007

J U D G M E N T

Petitioners are Motor Vehicle Inspectors.

2. In terms of the Special Rules, promotion to the post of Joint Regional Transport Officer is to be made from the category of Motor Vehicle Inspectors and Senior Superintendents in the ratio prescribed.

3. Petitioners and other Motor Vehicle Inspectors contend that the Senior Superintendent do not have the technical qualification under the Motor Vehicles Act, 1988 and that therefore, they would be incompetent to discharge the duties and responsibilities in the hierarchy referable to the Motor Vehicle Inspector at the lowest rung.

4. The aforesaid anomaly, as pointed out by the Association of the employees, gained attention of the Government and appears to have found favour, by the Government publishing a draft of

the amendments that it proposes. Going by that, the technically qualified personnel are to go up the hierarchy in one stream and a separate track is being ear marked on the administrative side for promotion from Senior Superintendents.

5. The limited complaint of the petitioners, in this original petition filed in the year 2000, is that the draft rules are yet to be implemented.

In the aforesaid circumstances, this writ petition is allowed directing that if the draft amendments to the Special Rules are yet to be finalised, the finalisation of the proposed amendments shall be taken up for consideration and appropriate action taken in accordance with the law, at the earliest. Let that be done, at any rate, within an outer limit of six months from the date of receipt of a copy of this judgment.

THOTTATHIL B.RADHAKRISHNAN
Judge

ms

O.P.No. 25107 of 2000

-: 3 :-

THOTTATHIL B. RADHAKRISHNAN, J

O.P.Nos. 25107/2000

JUDGMENT

25th May, 2007