

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 3292 of 2015 (J)

PETITIONER :

P.K. MOHANDAS
S/O.VELAYUDHAN,
POOCHAMKUNNATHU HOUSE,
KALADY P.O., MALAPPURAM DISTRICT
REPRESENTED BY THE POWER OF ATTORNEY HOLDER
SRI. P.K.SUNDARAN, AGED 54 YEARS
S/O.VELAYUDHAN, POOCHAMKUNNATHU HOUSE,
KALADY P.O., MALAPPURAM DISTRICT.

BY ADVS.SRI.SAJEEV KUMAR K.GOPAL
SRI.R.HARISHANKAR

RESPONDENT :

THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM, PIN - 676 505.

BY GOVT. PLEADER SRI. R. RANJITH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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...2/-

WP(C).No. 3292 of 2015 (J)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1: TRUE COPY OF THE TIMINGS VIDE ORDER NO.C5/9144/1998/M ISSUED
 BY THE RESPONDENT.**
- EXT. P2: TRUE COPY OF THE ORDER NO.C5/D3/13/2013/M ISSUED BY THE
 RESPONDENT DATED 06.12.2013.**
- EXT. P3: TRUE COPY OF THE ORDER NO.C5/D3/1582/2013/M ISSUED BY THE
 RESPONDENT DATED 25.02.2014.**
- EXT. P4: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
 PETITIONER TO THE RESPONDENT DATED 08.12.2014.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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K.Vinod Chandran, J.

W.P.(C).No.3292 of 2015

Dated this the 07th day of April, 2015

JUDGMENT

The petitioner was issued with a timings as per Exhibit P2, purportedly revising the same in accordance with Circular No.D3/875/STA/2005 dated 08.11.2011 [for brevity “D3 Circular”]. Long after Exhibit P2 was issued, this Court considered the effect of D3 Circular and directed settlement of timings as per the said Circular by all the Regional Transport Authorities in the State and also mandated uniform implementation on a date notified by the State Transport Authority. However, it was also made clear that, wherein the timings were settled and stage carriage were operating on such revision made as per D3 Circular, the same would be considered.

2. The petitioner does not raise any objection against Exhibit P2, based on which the petitioner had been operating the service. The present dispute is with respect to Exhibit P3, a further tentative revision effected on the ground

that a clerical error had crept in to Exhibit P2. Exhibit P3 is dated 25.02.2014. The petitioner contends, it was never issued to him and was recently issued, on 08.12.2014.

3. In any event, the timings in Exhibit P3 are only tentative and definitely if there is any mistake in fixation as per D3 Circular, the authority would be entitled to proceed with the same after issuing notice to the petitioner and any revision so effected would be implemented only on the date notified by the State Transport Authority. In the meanwhile, since the petitioner has been issued with Exhibit P2 timings, the petitioner would be allowed to operate as per Exhibit P2. Exhibit P3 would stand set aside, however, subject to settlement of timings in accordance with D3 Circular, after issuing notice to the petitioner.

The writ petition would stand allowed. No costs.

Sd/-
K. Vinod Chandran,
Judge

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[true copy]