

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

WP(C).No. 3369 of 2015 (U)

PETITIONER:

**RADHAKRISHNAN NAIR,
S/O. RAGHAVAKURUPPU,
RADHAKRISHNA BHAVAN,
MANKAMKUZHY P.O., VETTIYAR,
MAVELIKKARA.**

BY ADV. SRI.K.K.PREMALAL

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT OFFICER,
PATHANAMTHITTA, PIN - 689 645.**
- 2. THE REGIONAL TRASPORT OFFICER
KOTTAYAM - 686 002.**
- 3. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPROT WORKERS'
WELFARE FUND BOARD, HARIPAD, PIN - 690 514.**
- 4. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRNASPORT WORKERS'
WELFARE FUND BOARD, KOTTAYAM, PIN - 686 001.**
- 5. THE CHIEF WELFARE FUND OFFICER,
KERALA MOTOR TRANSPORT WORKERS'
WELFARE FUND BOARD, KOLLAM, PIN - 691 001.**

R1 & R2 BY GOVT. PLEADER SMT.SOBHA ANNAMMA EAPEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 3369 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 - THE TRUE COPY OF THE REGISTRATION CERTIFICATE IN THE NAME OF THE PETITIONER.**
- P2 - THE TRUE COPY OF THE REGISTRATION CERTIFICATE IN THE NAME OF TREESA TOM.**
- P3 - THE TRUE COPY OF THE JUDGMENT DATED 10.12.2010 IN WPC NO. 33629/2010.**
- P4 - THE TRUE COPY OF THE CLEARANCE CERTIFICATE DATED 10.11.2014 ISSUED BY THE SECOND RESPONDENT.**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C).No.3369 of 2015

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Dated this the 10th day of February, 2015

JUDGMENT

The petitioner who is the registered owner of a stage carriage vehicle bearing registration KL-03-J-7301, is aggrieved by the inaction on the part of the 1st and 3rd respondents, in receiving the tax amount and the welfare fund contributions respectively, from the petitioner in respect of the vehicle in question. It is the case of the petitioner that when he approached the 1st and 3rd respondents to remit the tax amount and welfare fund contribution in respect of the vehicle, the said respondents refused to accept the same citing the non-production of a clearance certificate showing clearance of arrears of the welfare fund contribution of the erstwhile owner of the vehicle. In the writ petition, the petitioner relies on Ext.P3 judgment, as also Ext.P4 clearance certificate that was issued in his favour, to contend that insofar as the erstwhile owner had remitted the contribution under the Employees Provident Fund Act, there was no liability to make payment under the Motor Transport Workers Welfare Fund Act. It is his contention that the 1st and 3rd respondents ought to have accepted the tax and the Motor Transport Workers Welfare Fund

Contribution from the petitioner when he had approached the said respondents.

2. I have heard Sri.K.K.Premalal, the learned counsel for the petitioner, Smt.Preethy, the learned counsel for the 5th respondent and Learned Government Pleader Smt.Sobha Annamma Eappen, for the 1st and 2nd respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, and taking note of Ext.P3 judgment of this Court which clarifies that motor transport undertakings that are covered by the provisions of the Employees Provident Funds And Miscellaneous Provisions Act will not come under the purview of the Motor Transport Workers Welfare Fund Act for the purposes of effecting the contributions under the said Act, and Ext.P4 clearance certificate that has been issued to the petitioner by the 2nd respondent, I direct the 1st respondent to accept the motor vehicle tax in respect of the vehicle in question from the petitioner, without insisting on any further document with regard to payment of Motor Transport Workers Welfare Fund Contributions by the erstwhile owner of the vehicle. Similarly, the 3rd respondent is also directed to accept the contribution under the Kerala Motor Transport Workers Welfare Fund Act from the

petitioner with effect from the date of transfer of the vehicle in favour of the petitioner.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/

