

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

WP(C).No. 3464 of 2015 (G)

PETITIONER :

**P.B.INDIRA DEVI,
W/O.U.K.VIJAYAKUMAR, UTTUMADATHIL HOUSE,
P.O KAIPARAMB, THRISSUR.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY,
THRISSUR, REPRESENTED BY ITS SECRETARY -680 001**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
THRISSUR - 680 001**

R1 & R2 BY GOVERNMENT PLEADER SRI.R.RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 3464 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - TRUE COPY OF THE JUDGMENT DATED 29-8-2011 IN MVARP NO.271/2011
- EXT.P2 - TRUE COPY OF THE JUDGMENT DATED 25-1-2012 IN WPC. NO.267/2012
- EXT.P3 - TRUE COPY OF THE NOTICE DATED 28-4-2012
- EXT.P4 - TRUE COPY OF THE PROCEEDINGS OF THE SECRETARY RTA THRISSUR WITH ITS NO.C19/1731/2010 DATED 21-3-2011
- EXT.P5 - TRUE COPY OF THE PROCEEDINGS OF THE SECRETARY, RTA THRISSUR WITH ITS NO.C8/6681/2010 DATED 31-1-2012
- EXT.P6 - TRUE COPY OF THE REVISION PETITION IN MVARP NO.138/2012 DATED 16-5-2012 WITHOUT EXHIBITS
- EXT.P7 - TRUE COPY OF THE ORDER DATED 4-12-2013 IN MVARP NO.138/2012

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

K. VINOD CHANDRAN, J.
=====

W.P.(C) No.3464 of 2015 - G
=====

Dated this the 13th day of March, 2015

J U D G M E N T

The petitioner is aggrieved with the order of the appellate authority at Ext.P7. The petitioner had been consistently before the Tribunal and this Court seeking a revision of timing. The petitioner is an operator operating in the route Thrissur - Pattambi through Kunnampulam. The specific contention of the petitioner is that, the running time allotted to him is 2½ minutes per kilometre, while all other stage carriages operating in the route are granted time rate of 2 minutes per kilometre.

2. In fact, even in the order dated 29.08.2011 evidenced at Ext.P1, of the year 2011, the Tribunal notices such contention, while remanding back the issue to be considered, setting aside the rejection of revision sought by the petitioner. Further Ext.P2 directions were issued, when

the petitioner approached this Court alleging lethargy on the part of the authorities in considering the remand made by the Tribunal.

3. An order was passed at Ext.P4 in compliance with Exts.P1 and P2. The Secretary, RTA rejected the application by Ext.P5 order on the ground that, the Motor Vehicle Inspector had reported that reduction of running time will affect the road safety measures and the net result will be more and more road accidents. However, the specific contention of the petitioner that, the other stage carriages are operating with a lesser running time rate was not considered. It was in such circumstance that ,the petitioner again approached the Tribunal, which revision was disposed of by Ext.P7. In Ext.P7, the Tribunal took note of the guidelines issued by the State Transport Appellate Tribunal, Ernakulam (STAT) and directed that a fresh application for revision could be filed, which could be considered in accordance with the guidelines.

4. The guidelines referred to by the Tribunal as

stated by the Standing Counsel for the Regional Transport Authority , should be the Order No. D3/875/STA/2005 (D3 Circular) dated 08.11.2011, which however can be implemented only after the RTA's all over the State, settle timings of the stage carriages under their jurisdiction; in accordance with the said Circular and the STAT notifying the date for such implementation. Hence, on that ground, the revision could not have been rejected.

5. The learned Government Pleader however, submits that, the counter affidavit clearly indicates that all the other services are also given the same running time rate as given to the petitioner. In such circumstance, what is required is for the Secretary, RTA to say so, after getting the Field Officer's report, and reject the application of the petitioner, if that is the situation. However, that issue has not been seen considered at all in Ext.P5. The petitioner also relies on Ext.P4 to contend that, there were other stage carriages, which were given rate of timings at the rate of 2 minutes per kilometer.

6. In any event, one solitary case cannot commend revision of timing of the petitioner. But, however, if the running time generally applicable to the other stage carriages, operating as ordinary services, is less than 2½ minutes per kilometre, then, the Secretary, RTA should look into whether the petitioner also can be given such a running time. If not, after getting the Field Officer's report, the Secretary, RTA would be competent to reject the application also. Hence, what is required is only re-consideration, in accordance with what is stated above. To facilitate such re-consideration, Exts.P4 and P5 would stand set aside. The Secretary, RTA shall re-consider the same after getting the Field Officer's report within a period of two months from today.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge