

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. 3923 of 2015 (M)

PETITIONER :

**BABU CHACKO,
S/O. CHACKO, ETHAKADU HOUSE, MAMMOOD P.O.,
CHANGANASSERY, KOTTAYAM-686535.**

BY ADV. SRI.K.K.PREMALAL

RESPONDENT(S) :

- 1. THE REGIONAL TRANSPORT OFFICER
KOTTAYAM-686002.**
- 2. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS' WELFARE FUND BOARD
KOTTAYAM, PIN-686001.**
- 3. THE CHIEF WELFARE FUND OFFICER,
KERALA MOTOR TRANSPORT WORKERS' WELFARE FUND BOARD
KOLLAM, PIN-691001.**

**R1 BY SR. GOVT. PLEADER SMT. SHOBA ANNAMMA EAPEN
R2 & R3 BY ADVS.SRI.P.RAMAKRISHNAN, SC
SRI.K.S.MANU, SC**

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

Mn

...2/-

WP(C).No. 3923 of 2015 (M)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT. P1. THE TRUE COPYT OF THE REGISTRATION CERTIFICATE IN THE NAME
 OF THE PETITIONER.**

**EXT. P2. THE TRUE COPY OF THE REGISTRATION CERTIFICATE IN THE NAME
 OF TREESA TOM DATED 7/6/14.**

**EXT. P3. THE TRUE COPY OF THE JUDGMENT DATED 10-12-2010 IN
 WP(C) NO. 33629 OF 2010.**

**EXT. P4. THE TRUE COPY OF THE CLEARANCE CERTIFICATE DATED 16-10-2014
 ISSUED BY THE FIRST RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C).No.3923 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-05-R-4626, is aggrieved by the inaction on the part of the 1st and 2nd 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 2nd 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 2nd 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 2nd respondent and Sri.P.Ramakrishnan, the learned Standing counsel for 3rd respondent and also the learned Government Pleader Smt.Sobha Annamma Eappen, for the 1st respondent.

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 1st 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 2nd 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/