IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(C).No. 9040 of 2012 (D)

PETITIONER:

JOSE, AGED 34 YEARS
S/O.POULOSE, 2/272, KOLENCHERY HOUSE
KUTTIKKAD P.O, THRISSUR DISTRICT.

BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENTS:

1. REGIONAL TRANSPORT OFFICER
   THRISSUR - 680 001.

2. THE DISTRICT EXECUTIVE OFFICER
   KERALA MOTOR TRANSPORT WORKERS WELFARE FUND
   THRISSUR, PIN 680 001.

3. EMPLOYEES' PROVIDENT FUND ORGANISATION
   ERNAKULAM, PIN 682 017.

4. M/S.SEENA BUS SERVICE
   KOTTAKKAL, MALAPPURAM DISTRICT
   PIN - 676 505, REPRESENTED BY PROPRIETOR, VELAYUDHAN

R3 BY ADV. DR.S.GOPAKUMARAN NAIR (SR.)
R BY SRI.K.S.MANU (PUNUKKONNOOR)
R BY SRI.A.RAJASIMHAN,SC,EPF ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 9040 of 2012 (D)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P-1 TRUE COPY OF THE REGISTRATION CERTIFICATE OF BUS NO.KL-55E-4432.

EXT.P-2 TRUE COPY OF THE CERTIFICATE DATED 27.12.2011 ISSUED BY THE 4TH RESPONDENT EVIDENCING PAYMENT OF CONTRIBUTION TOWARDS EXHIBIT.P1

RESPONDENT'S EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

Scl.

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C) No.9040 of 2012

Dated this the 2nd day of February, 2015.

JUDGMENT

The petitioner is the registered owner of a stage carriage bearing registration No.KL-55E-4432, which was purchased from the fourth respondent on payment of consideration. The petitioner alleges that the previous owner was paying contribution under the Employees Provident Fund Act and according to the petitioner, the entire amount was paid by the fourth respondent till the date of sale ie, upto the period ending 30.9.2011. The petitioner is aggrieved by the stand taken by respondents 1 and 2 in refusing to accept contribution towards Kerala Motor Transport Workers Welfare Fund and also requesting to accept the tax for the up-coming quarter. It is in this context, the petitioner has come up before this Court.

2. This Court by an interim order dated 10-4-2012 directed the first respondent to accept Motor Vehicle tax

relating to the petitioner's vehicle for the period commencing from 1.4.2012, without insisting on proof of payment of the Welfare Fund dues for the period prior to September, 2011.

3. Today, when the matter came up for hearing, the learned Standing Counsel for the second respondent submits that the payment upto September 2011 has been paid by the previous owner and payment from October 2011 onwards is due.

In the light of the said submission, the writ petition is disposed of, permitting the petitioner to pay the dues under the Employees Provident Fund Act to the second respondent Board from October, 2011 onwards.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

Scl.