

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 10344 of 2012 (P)

PETITIONER(S):

1. PAULOSE, PUTHIYAMADTHIL HOUSE, THIRUVANIYOOR.P.O.
ERNAKULAM (REGISTERED OWNER OF KL 40-9162)

2. JOY.O.V., S/O. VARKEY, OORAKATHIL (H)
THIRUVANIYOOR.P.O., PUTHENCROUZ,
ERNAKULAM (REGISTERED OWNER OF KL 40- 9830)

3. VIJAYAN, S/O. VELAYUTHAN, KUNNAMPURAM(H)
MAMALA.P.O., THIRUVAMKULAM, ERNAKULAM
(REGISTERED OWNER OF KL 40- 8323)

4. PAILY.E.K.
S/O. SARAMMA, ILLIKKAPARAMBIL(H), MAMALA.P.O.
ERNAKULAM (REGISTERED OWNER OF KL 40- 8802)

*5. BALACHANDRAN, S/O.VASU, KAKKADAKARA(H), MAMALA.P.O.
ERNAKULAM (REGISTERED OWNER OF KL 40-B 360).
*THE ADDRESS CORRECTED AS BALACHANDRAN, S/O.VASU,
KIZHAKKECHARUVIL(H), KAKKAD KARA, MAMALA.P.O., ERNAKULAM.
(REGISTERED OWNER OF KL-40-B-360) AS PER ORDER
DATED 29/06/2012 IN IA NO.7806/2012

6. PRADEEPAN.E.K.
S/O. KUMARAN ETHAPPILLIL (H), THIRUVANIYOOR.P.O.
PUTHENCROUZ, ERNAKULAM (REGISTERED OWNER OF KL 40-B-3558).
(REGISTRATION NO. CORRECTED AS
KL-40-A 3558 AS PER ORDER DATED
29/06/2012 IN IA NO.7806/2012)

7. PURUSHAN
S/O. VELAYUDHAN, PADINJARE POTHUPARAMBIL MAMALA.P.O.
ERNAKULAM (REGISTERED OWNER OF KL 40-B-3190)
REGISTRATION NO. CORRECTED AS KL-40-3190 AS PER ORDER
DATED 29/06/2012 IN IA NO.7806/2012)

8. SHYAMALAN, S/O. THANAKAPPAN,
KAKKARETHU(H) KAKKADAKARA, MAMALA.P.O., ERNAKULAM.
(REGISTERED OWNER OF KL 40-B-4076)
(REGISTRATION NO. CORRECTED AS KL-40-A-4076 AS PER
ORDER DATED 29/06/2012 IN IA NO.7806/2012)

(...2)

9. KUNJUMON.M.S.
S/O. SANKARAN, MOOSARIPARAMBIL (H), MAMALA.P.O.
ERNAKULAM (REGISTERED OWNER OF KL 40-A-264)

10. VIJAYAKUMAR.P.S.
S/O. SHANKARANKUTTY, PUTHENPURAYIL(H), KAKKAD,
MAMALA.P.O., THIRUVANIYOOR, PERUMBAVOOR,
ERNAKULAM (REGISTERED OWNER OF KL 17-D-1108)

11. SANGEETHA REJI,
S/O. REJI, ELLIKKAPARAMBIL (H) MAMALA.P.O.
THIRUVANIYOOR,ERNAKULAM(REGISTERED OWNER OF KL-40-9205)

12. SHYAMALA VIJAYAN
KANNIKARA PUTHENPURAYIL(H) KAKKADUKARA MAMALA.P.O.
THIRUVAMKULAM
ERNAKULAM (REGISTERED OWNER OF KL 40-A-5002.

13. K.K.KUNJAPPAN
S/O. KUNJU.K.K. KUDUKKAPARAMBIL(H) THIRUVANIYOOR
MAMALA.P.O.
ERNAKULAM (REGISTERED OWNER OF KL 17-C 4283)

14. PUSHPA THAMPI
PUTHUMURIYIL(H) PUTHUMANOOR, PUTHENCRUZ
ERNAKULAM (REGISTERED OWNER OF KL-B 1026). (REGISTRATION
NUMBER CORRECTED AS KL-17-B-1026 AS PER ORDER DATED
29/06/2012 IN IA NO.7806/2012).

BY ADV. SRI.M.T.BALAN

RESPONDENT(S) :

1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
ERNAKULAM-682025.

2. THE JOINT REGIONAL TRANSPORT OFFICER,
PERUMBAVOOR-683548.

R1 BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
R2 BY GOVERNMENT PLEADER SRI.V.K.RAFEEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
04-11-2015, ALONG WITH WPC. 11827/2012 & WPC. 11161/2014, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

EXT.P1 TRUE COPY OF THE REGISTRATION CERTIFICATE OF KL 40-9162.
EXT.P2 TRUE COPY OF THE REGISTRATION CERTIFICATE OF KL 40-9830
EXT.P3 TRUE COPY OF THE REGISTRATION CERTIFICATE OF KL 40-8323
EXT.P4 TRUE COPY OF THE REGISTRATION CERTIFICATE OF KL 40-8802
EXT.P5 TRUE COPY OF THE REGISTRATION CERTIFICATE OF KL 40-B-360
EXT.P6 TRUE COPY OF THE REGISTRATION CERTIFICATE OF KL 40-B-3558.
EXT.P7 TRUE COPY OF THE REGISTRATION CERTIFICATE OF KL 40-B-3190
EXT.P8 TRUE COPY OF THE REGISTRATION CERTIFICATE OF KL 40-B-4076
EXT.P9 TRUE COPY OF THE REGISTRATION CERTIFICATE OF KL 40-A-264
EXT.P10 TRUE COPY OF THE REGISTRATION CERTIFICATE OF KL 17-D-1108
EXT.P11 TRUE COPY OF THE REGISTRATION CERTIFICATE OF KL 40- 9205
EXT.P12 TRUE COPY OF THE REGISTRATION CERTIFICATE OF KL 40-A-5002
EXT.P13 TRUE COPY OF THE REGISTRATION CERTIFICATE OF KL 17-C-4283
EXT.P14 TRUE COPY OF THE REGISTRATION CERTIFICATE OF KL B-1026
EXT.P15 THE TRUE COPY OF THE INTERIM ORDER IN WPC NO. 4350/12 DATED
22-2-12.

RESPONDENTS' EXHIBITS : NIL

OKB

True copy

P.A. to Judge

K.HARILAL, J.

W.P.(C) Nos.10344 & 11827 of 2012
and 11161 of 2014

Dated this the 4th day of November, 2015.

JUDGMENT

The petitioners are the owners of medium goods vehicles provided under Section 2(23) of the Motor Vehicles Act. The question to be considered in all these cases is whether the petitioners who are the owners of the medium goods vehicles are liable to pay contribution to Motor Workers Welfare Funds, at the rate applicable to heavy goods vehicles provided under Table-II of the Kerala Motor Transport Workers Welfare Fund Scheme, 1985. Another Bench of this Court considered this question in W.P.(C).No.28708/2012 and answered positively. In the light of the judgment passed in the above writ petition, rejecting the same contentions raised in this writ petition, this issue stands covered by the above decision. Therefore, all these writ petitions are disposed of accordingly.

okb.

Sd/-
K. HARILAL, JUDGE