

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 9972 of 2015 (V)

PETITIONER :

**AHAMMED, S/O. PARI, 7/15, AGED 48 YEARS,
THOTTUMUKKATH HOUSE, PULIKKAL,
MALAPPURAM DISTRICT**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENTS :

- 1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE
FUND BOARD, MALAPPURAM PIN- 676504.**
- 2. THE ASSISTANT PROVIDENT FUND COMMISSIONR,
EMPLOYEES' PROVIDENT FUND ORGANIZATION,
SUB REGIONAL OFFICE, KOZHIKODE - 673 006.**
- 3. MANSOOR ALI M.A, S/O. MUHAMMED,
MANAMKUZIHL HOUSE, CHERUKULAMBA,
P.O., VATTALLOOR, MALAPPURAM DISTRICT.**

**R1 & R2 BY SRI.P.M.HABEEB, SC,
BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,SC, P.F.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE REGISTRATION CERTIFICATE IN RESPECT OF VEHICLE
KL-10-M-9672.
- P2: COPY OF THE REGULAR PERMIT IN RESPECT OF STAGE CARRIAGE
KL -10-M-6972.
- P3: COPY OF THE REMITTANCE OF PROVIDENT FUND FOR THE MONTH OF
OCTROBER, 2014.
- P4: COPY OF THE CERTIFICATE NO.KR/KKD/23401/ENF3(3)/2014 DT 11/12/2014
ISSUED BY THE R2.
- P5: COPY OF THE CERTIFICATE DT 9/2/2015 ISSUED M/S. SULTHAN TRANSPORTS.
- P6: COPY OF THE REQUEST DT 24/3/2015 SUBMITTED BY THE PETITIONER
BEFORE THE R1.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K.VINOD CHANDRAN, J.

W.P.(C).No.9972 of 2015-V

Dated this the 31st day of March, 2015

J U D G M E N T

The petitioner is the owner of a vehicle bearing registration No.KL-10-M-9672 which is said to be covered with a regular permit to operate on the route Vazhayur-Pulikkal. The said vehicle is said to have been operated under the establishment of M/s.Sulthan Transport, Cherukulamba, which is covered under the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (EPF & MP Act). The employees working in the said vehicle is also said to have been covered under the EPF & MP Act. The petitioner is said to have withdrawn the vehicle from the Motor Transport undertaking which was covered under the EPF & MP Act and seeks for enrollment under the Kerala Motor Transport Workers Welfare Fund Act, 1985. The petitioner's application at Ext.P6 is not being accepted, is the contention.

2. The learned Standing Counsel for the Welfare Fund Board appears and contends that the application was never submitted to the Board

at all. It is also submitted that, the Board will have to look into whether the employees in the vehicle were covered under the EPF & MP Act and if not so covered, the prior dues would have to be paid by the petitioner.

3. In any event, that would be a matter of adjudication under the Kerala Motor Transport Workers Welfare Fund Act, 1985 which the 1st respondent is competent to do. The petitioner shall produce the entire documents evidencing his contentions before the 1st respondent. The 1st respondent shall pass a determination order after conducting such enquiry as he finds necessary in the manner. The petitioner shall produce the application and the documents before the 1st respondent within one week from today and the issue shall be considered as expeditiously as possible. It is made clear that this Court has not expressed any view on the merits and the contention, with respect to the coverage under the EPF & MP Act, is just an extraction of the averments made in the writ petition.

Writ petition disposed of.

Sd/-
K.VINOD CHANDRAN,
Judge

jma

//true copy//

P.A to Judge