

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

WP(C).No. 13085 of 2015 (I)

PETITIONER :

**C.K.SHOUKATHALY
S/O. KUNJIMUHAMMED, CHIRAPARAMBIL HOUSE
P.O. KIZHUPPILLIKKARA, THRISSUR.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S) :

- 1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKER'S WELFARE FUND BOARD,
THRISSUR - 680 002.**
- 2. A. GARYDAS,
LOLAMOLD MOTORS,
MAYYANAD, KOLLAM -691 104.**
- 3. EMPLOYEES PROVIDENT FUND ORGANISATION,
REPRESENTED BY ASSISTANT P.F COMMISSIONER (COMPLIANCE)
BHAVISHYA NIDHI BHAVAN, KALOOR, KOCHI -17.**
- 4. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKER'S WELFARE FUND BOARD
KOLLAM - 691 001.**

**R1 & R4 BY SRI.D.SAJEEV BABU, SC
R3 BY SENIOR ADVOCATE DR.S.GOPAKUMARAN NAIR
BY ADV. SRI.A.RAJASIMHAN, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 13085 of 2015 (I)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT-P1- TRUE COPY OF THE REGULAR PERMIT VALID TILL 05/09/2015.

EXHIBIT-P2- TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF KL/02 U 9594.

**EXHIBIT-P3- TRUE COPY OF THE CERTIFICATE DATED 13/11/2007 ISSUED BY THE
4TH RESPONDENT.**

**EXHIBIT-P4- TRUE COPY OF THE REPRESENTATION DATED 01/03/2015 ADDRESSED
TO THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 13085 of 2015

Dated this the 27th day of May, 2015

J U D G M E N T

Aggrieved by the refusal of the 1st respondent to countenance Ext.P4 and the insistence that the petitioner should either remit the welfare fund contribution for the anterior period or to obtain a clearance certificate, the petitioner has come up before this Court.

2. The petitioner holds Ext.P1 permit to operate between Bharatha-Ayyanthole, which was originally issued to stage carriage bearing Reg. No.KL-08/T 3817. Later, the said stage carriage was replaced with another one bearing Reg.No.KL-02/U 9594 with effect from 05.11.2013; and the said vehicle was plying on the route covered by Ext.P1 permit. The petitioner points out that the 2nd respondent was the prior owner of the substituted vehicle and it was covered by the Employees Provident Fund Act. Therefore, according to the petitioner, he is

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bound to make contribution only from the date of transfer in his name, i.e., 05.11.2013. It is with this background, the petitioner has submitted Ext.P4 representation.

2. I have heard the learned counsel for the petitioner.

3. When the matter was taken up, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the 1st respondent to consider and dispose of Ext.P4 representation within a time frame. Therefore, this petition can be disposed of without issuing notice to the respondents.

Considering the nature of the submission, this writ petition is disposed of directing the 1st respondent to consider Ext.P4 representation after affording the petitioner an opportunity of being heard and to pass appropriate orders taking into account the fact that as previous to the transfer of the vehicle in the name of the petitioner, the said vehicle was covered by the fund, the petitioner is liable to pay contribution only with effect

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from 05.11.2013. Formal orders to this effect shall be passed within a period of one month from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the 1st respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-