

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936**

**WP(C).No. 17173 of 2010 (V)**  
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**PETITIONER(S):**  
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**P.K. NANDANAN, S/O.KOCHU ITTAMIN,  
'ROHINI', 63/63, CHITTOOR MAIN ROAD,  
PACHALAM, KOCHI-12.**

**BY ADV. SRI.P.V.LONACHAN.**

**RESPONDENT(S):**  
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- 1. THE DISTRICT EXECUTIVE OFFICER,  
KERALA MOTOR TRANSPORT WORKERS  
WELFARE FUND BOARD, SIVARAMA MENON ROAD,  
ERNAKULAM.**
- 2. STATE OF KERALA,  
REPRESENTED BY THE SECRETARY TO GOVERNMENT,  
LABOUR AND REHABILITATION DEPARTMENT,  
THIRUVANANTHAPURAM.**

**R1 BY ADV. SRI.P.RAMAKRISHNAN, SC.  
R2 BY SR. GOVT. PLEADER SRI.BIJU MEENATTOOR.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 13-02-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

**rs.**

**APPENDIX**

**PETITIONER'S EXHIBITS:-**

- EXT.P1      COPY OF THE FINAL DETERMINATION ORDER NO.EE 349/FDO/2000-2003 DATED 25/06/2007.
- EXT.P2      COPY OF THE APPEAL DATED 16/09/2000.
- EXT.P3      COPY OF THE CHALAN DATED 24/11/2000.
- EXT.P3A     COPY OF THE CHALAN DATED 22/10/2003.
- EXT.P4      COPY OF THE ORDER DATED 01/02/2010.

**RESPONDENT'S EXHIBITS:-**

NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

**K.VINOD CHANDRAN, J.**

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**W.P.(C) No.17173 of 2010**  
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**Dated this the 13<sup>th</sup> day of February, 2015**

**JUDGMENT**

The petitioner is aggrieved with the final determination order as confirmed in an appeal at Ext.P4 under the Kerala Motor Transport Workers Welfare Fund Act, 1985. The petitioner admittedly was the owner of a stage carriage bearing registration No.KEE 5158. The original determination order was challenged before the appellate authority and the same was remanded for fresh consideration. Ext.P1 was the order passed on remand.

2. The petitioner's contention in the writ petition is that the petitioner's objections were not considered. The petitioner's objection was with respect to the leave taken by an employee and also that 1822 days were not liable to be assessed for reason of holidays, strike, bundh, repair work, maintenance work and so on and so forth. However, there is nothing indicated as to any evidence having been produced with respect to the aforesaid deduction claim. A reading of Ext.P1 would indicate that the

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employees did not appear despite issuance of notice. The determination order was passed on the basis of the deposition of the employer himself. Deductions were also granted as sought for, for the days of leave of two employees. The same is evident from Ext.P4 appellate order also. In such circumstances, this Court does not find any reason to interfere with the appellate order. The writ petition stands dismissed.

3. However, since the matter has been pending before this Court from 2010 onwards, the Board shall issue a communication to the petitioner as to the amounts due as of now and shall also grant six monthly instalments to settle the same. If any one single instalment is defaulted, then the Board shall be entitled to proceed for recovery. The communication addressed to the petitioner shall be by registered post.

Writ petition dismissed.

Sd/-

**K.VINOD CHANDRAN,  
JUDGE.**

rkc.