

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 19479 of 2015 (H)

PETITIONER(S):

**O.U. SHIJU,
S/O.UTHUP, OLANGATTU HOUSE,
NOOLPUZHA P.O., SULTHAN BATHERY,
WAYANAD.**

BY ADV. SRI.P.DEEPAK.

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
WAYANAD-673 001.**

BY GOVT. PLEADER SMT.K.A. SANJEETHA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 19479 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1: A TRUE COPY OF THE TIME SCHEDULE PROCEEDINGS OF THE
RESPONDENT DATED 04.12.2013.**

EXHIBIT P2: A TRUE COPY OF THE REPRESENTATION DATED 20.06.2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.19479 of 2015

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Dated this the 29th day of June, 2015

JUDGMENT

This writ petition is filed for a direction to the respondent to consider and pass orders on Ext.P2 representation filed by the petitioner under Rule 212 of the Kerala Motor Vehicles Rules, 1989.

2. The petitioner is a stage carriage operator conducting service on the route between Sulthan Bethery and Kalpetta on the strength of a regular permit issued to his stage carriage bearing Reg. No.KL-13/M 5355 with Ext.P1 time schedule approved by the respondent on 4.12.2013. It is evident from Ext.P1 that the stage carriage is conducting eight trips between the two termini. Petitioner alleges that the actual running time allotted to the service stretches for more than one hour from 5.55 AM in the morning to just after 10.00 PM at night. This, according to the petitioner, is on account of the fact that the stage carriage is required to idle at a terminus for more than one

hour at a time during certain trips. At the same time in certain trips, no waiting time is provided at all; it is alleged.

3. The petitioner further alleges that this has led to situations where trips have had to be curtailed on account of the crew being unable to adhere to the approved time schedule. Therefore, he filed representation before the respondent seeking appropriate modifications to Ext.P1 time schedule. Along with the representation he has also proposed a new time schedule with adequate rest time. A copy of the same is produced as Ext.P2. However, the respondent is not taking any action on the same.

4. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

5. When the matter came up for hearing, the learned counsel for the petitioner has confined his argument to the limited prayer to consider and pass appropriate orders on the application submitted by the petitioner.

Therefore, this writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P1 representation within a period of period of one month from the date of receipt of a copy of this judgment.

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

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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