

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936`

W.P.(C).No.28672 of 2010 (H)

PETITIONER(S):-

EBENEZER INTERNATIONAL FOUNDATION,
3/124, PATTIMATTOM.P.O., ETTUMANOOR,
KOTTAYAM-686 631, REPRESENTED BY ITS
SCHOOL ADMINISTRATOR DOMINIC SAVIO.

BY ADVS.SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM
SMT.AFSANA ASHRAF

RESPONDENT(S):-

1. KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
BEACH ROAD, KOLLAM, KOLLAM-1.
2. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
COLLECTORATE.P.O., KOTTAYAM - 686 002.

R1 & R2 BY STANDING COUNSEL SRI.K.S.MANU.
R,R1 & R2 BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXT.P1 TRUE COPY OF THE LAWYER'S NOTICE ISSUED BY THE
 PETITIONER TO THE 2ND RESPONDENT DATED 4.7.2009.
- EXT.P1(a) TRUE COPY OF STATEMENT OF RECEIPTS ISSUED BY THE
 PETITIONER ALONG WITH LAWYER'S NOTICE DATED 4.7.2009.
- EXT.P2 TRUE COPY OF THE JUDGMENT OF THIS COURT IN
 W.P.(C).NO.1208 OF 2008 DATED 18.2.2008.
- EXT.P3 TRUE COPY OF THE REPLY ISSUED BY THE 2ND RESPONDENT
 DATED 15.7.2009.

RESPONDENT(S)' EXHIBITS:-

NIL.

vku/-

(true copy)

K. Vinod Chandran, J.

W.P(C) No.28672 of 2010-H

Dated this the 03rd day of February, 2015

JUDGMENT

The petitioner claims to be an educational institution, who is said to have 16 vehicles, the registration numbers of which are disclosed in Exhibit P1(a) list. The petitioner's primary contention is that, it is an educational institution and, hence, not liable to be covered under the Kerala Motor Transport Workers' Welfare Fund Act, 1985 [for brevity "the Welfare Fund Act"].

2. True, the issue is covered by Exhibit P2 judgment. However, it is to be noticed that the petitioner has to first establish that the petitioner is an educational institution, which is affiliated to any academic bodies, like University, Board of Secondary Education, CBSE and so on and so forth, and imparts education, which leads to grant of awards and certificates by recognised academic bodies.

3. The learned Standing Counsel appearing for the Board also submits that, it is not clear as to whether the vehicles, registration numbers of which are given at Exhibit P1(a), are in fact registered as "educational institution bus" and only such educational institution

vehicles carrying students to and fro from the institutions would be entitled for such exemption.

4. Despite an order of this Court on 11.10.2010 directing the petitioner to produce the R.C. particulars of the vehicles, nothing has been produced. In such circumstances, the petitioner shall approach the 2nd respondent within a period of three weeks from the date of receipt of a certified copy of this judgment with the entire R.C. particulars of the said vehicles as also sufficient evidence to establish that the petitioner is a recognised educational institution. The receipts in original, which according to the petitioner evidences the payment made to the Kerala Motor Transport Workers' Welfare Fund Board, shall also be produced before the authority. The 2nd respondent shall afford an opportunity of hearing to the petitioner and decide the coverage and if found liable under the Welfare Fund Act, shall compute the contributions payable within a period of three months from the date of appearance of the petitioner.

The writ petition is disposed of as above. No costs.

Sd/-
K.Vinod Chandran
Judge.

vkul/-

(true copy)