

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

WP(C).No. 26970 of 2015 (U)

PETITIONER:

**V.J. JOSEPH
VADASSERY HOUSE, PALLURUTHY, KOCHI-6.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT:

**THE DISTRICT EXECUTIVE OFFICER
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD
SRM ROAD,
ERNAKULAM-682011.**

BY ADV. SRI.P.RAMAKRISHNAN, SC, KMTWF BOARD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 26970 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE R.C.PARTICULARS.

EXHIBIT-P2: TRUE COPY OF THE PERMIT WITH ITS NO.P.ST/G/82/03.

EXHIBIT-P3: TRUE COPY OF THE RECEIPT IN RECEIPT NO.22 DATED 14.6.2013.

EXHIBIT-P4: TRUE COPY OF THE RECEIPT IN RECEIPT DATED 12.9.2013.

EXHIBIT-P5: TRUE COPY OF THE RECEIPT IN RECEIPT DATED 12.12.2013.

EXHIBIT-P6: TRUE COPY OF THE RECEIPT IN RECEIPT NO.42 DATED 12.3.2014.

**EXHIBIT-P7: TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER
BEFORE THE RESPONDENT DATED 20.7.2015.**

**EXHIBIT-P8: TRUE COPY OF THE JUDGMENT DATED 8.5.2015 IN WPC
NO.13657/2015.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 26970 OF 2015

Dated this the 07th day of October, 2015

JUDGMENT

The vehicle is admittedly not a light passenger vehicle. Ext. P1 registration certificate shows that it is a medium passenger vehicle. It can safely be concluded that the vehicle can be included in the category of heavy passenger vehicle.

2. Para 28 of the Motor Transport Workers Welfare Fund Scheme, 2005 fixes the quantum of Welfare Fund dependent on the type of vehicle. The statement filed by the respondent shows that a sum of Rs. 35,700/- is still in deficit. The said amount is also liable to be paid by the petitioner towards the Welfare Fund dues.

3. The respondent shall issue the Clearance Certificate to the petitioner after receiving the amount of Rs. 35,700/-. The certificate covers the period from

June 2005 to November 2013 during which the petitioner was the owner of the vehicle. The sum of Rs. 35,700/- shall be paid in three equal monthly instalments starting from 30.10.2015.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS