

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C) .No. 37401 of 2015 (S)

PETITIONER:

THAHA. Y AGED 49 YEARS,
S/O YUSUFF, AGED 49 YEARS,
"VENCHARA PURAYIDAM"
ALISSERY WARD, ALAPPUZHA 688 001

BY ADV. SRI.P.V.VENUGOPAL

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS
CHEF SECRETARY TO GOVERNMENT, SECRETARIAT,
THIRUVANANTHAPURAM 695001
2. SPECIAL SECRETARY TO GOVERNMENT,
INFORMATION TECHNOLOGY DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM 695001.
3. TRANSPORT COMMISSIONER,
THIRUVANANTHAPURAM 695014.
4. DISTRICT COLLECTOR,
ALAPPUZHA 688001.

BY SR.GOVERNMENT PLEADER SRI. SUJITH MATHEW JOSE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: TRUE COPY OF THE GOVERNMENT ORDER G.O.(MS) NO.1/2001/ITD DATED 20.01.2001.
- EXT.P2: TRUE COPY OF THE CIRCULAR BEARING NO.1654/A2/06/ITD DATED 27.12.2006.
- EXT.P3: TRUE COPY OF OFFICE PROCEEDINGS OF KERALA MOTOR VEHICLES DEPARTMENT BY 3RD RESPONDENT HEREIN VIDE AND ORDER BEARING NO.A2/349/2015/TC DATED 2.12.2015.
- EXT.P4: TRUE COPY OF DATA OF MOTOR VEHICLES DEPARTMENT FOR THE YEAR FROM 1.01.2014 TO 31.12.2015 AT ALAPUZHA.
- EXT.P5: TRUE COPY OF NEWS REPORTED IN MATHRUBHOOMI MALAYALAM DAILY DATED 7.12.2015 OF ALAPPUZHA EDITION.
- EXT.P5(a): TRUE COPY OF NEWS REPORTED IN MATHRUBHOOMI MALAYALAM DAILY DATED 7.12.2015 OF ALAPPUZHA EDITION.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.A. TO JUDGE.

kp/-

ASHOK BHUSHAN, CJ & A.M. SHAFFIQUE, J.

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W.P.(C). No. 37401 of 2015

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Dated this the 22nd day of December, 2015

JUDGMENT

A.M. SHAFFIQUE, J.

This writ petition has been filed in the form of a Public Interest Litigation seeking the following reliefs:

i. To call forth all records leading to issuance of Exhibit P3 order issued by 3rd respondent and all its consequential application including enforceability by overlooking Ext.P1 Government order and Ext.P2 Government norms and to issue a writ of certiorari to quash the same as highly illegal arbitrary and perverse.

ii. To issue a writ of mandamus or any appropriate order commanding the respondents 1 and 2 not to overlook Ext.P1 Government order and Ext.P2 Government norms on the guise of Exhibit P3 order issued by 3rd respondent a subordinate authority without substituting or maintain existing cadre strength of deployed employees from motor vehicles department.

iii. To declare that petitioner and public at large are legally entitled to avail service of FRIENDS Janasevana Kendram as a Right in Rem to avail its service at 14 district centers working from 9.00 AM to 7.00 PM on all days including Sundays, except national holidays to accomplish vision of Government.

iv. Grant such other reliefs which are incidental

and appropriate to the proceedings which this Honourable Court deems fit and proper in the facts and circumstances.”

2. It is stated that, FRIENDS Janasevana Kendram and its 13 District Centres is functioning as a service provider for receiving payment of all taxes, utility bills, licence fees, University exam fee and other fees, telephone bills and other remittance of financial dues payable to Government and its Departments, BSNL etc. The contention of the petitioner is that, employees of the Motor Vehicles Department were being deputed for operating FRIENDS Janasevana Kendram and now steps have been taken by the said Department to withdraw the staff deputed in the said establishment.

3. The learned Government Pleader on instructions would submit that, as far as the Motor Vehicles Department is concerned, they deputed certain staff to FRIENDS Janasevana Kendram. The Department had already started online facility for all its customers/clients to remit the requisite fee payable to the Motor Vehicles Department. That apart, fast track mode is also provided to help customers to effect payment. In such circumstances, there is no necessity to retain any staff of the

Motor Vehicles Department in the FRIENDS Janasevana Kendram. The Motor Vehicles Department is also facing acute shortage of staff, which also requires recalling of staff deputed in the FRIENDS Janasevana Kendram.

4. Having regard to the aforesaid facts, we do not think that this Court should interfere with such procedures adopted by the Motor Vehicles Department, in the matter relating to the conditions of service of their employees. It is always open for them to take appropriate steps in the matter and this Court cannot interfere with such decision making process in this Public Interest Litigation. We do not find any ground to interfere in the matter.

The writ petition is dismissed accordingly.

**ASHOK BHUSHAN,
CHIEF JUSTICE**

**A.M. SHAFFIQUE,
JUDGE**