IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

MONDAY, THE 24TH DAY OF MARCH 2025 / 3RD CHAITHRA, 1947

WP(C) NO. 41543 OF 2023

PETITIONER:

GEORGE K.J., AGED 58 YEARS,
S/O. JOSEPH K. C,KALATHIPARAMBIL HOUSE, SOUTH JANATHA ROAD, PALARIVATTOM, PIN – 682025.

BY ADVS.
ANOOP V.NAIR
TANOOSHA PAUL
ROHITH C.
AVANTHIKA R.

RESPONDENTS:

1 **STATE OF KERALA,**
REPRESENTED BY THE SECRETARY TO GOVERNMENT, LABOUR AND SKILLS DEPARTMENT, GOVERNMENT SECRETARIAT,THIRUVANANTHAPURAM DISTRICT, PIN – 695001.

2 **THE CHAIRMAN,**
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD(KMTWWFB),OFFICE OF THE KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, KOLLAM, PIN – 691021.

3 **KERALA MOTOR TRANSPORT WORKER WELFARE FUND BOARD (KMTWWFB),**
OFFICE OF THE KERALA MOTOR TRANSPORT WORKERS, WELFARE FUND BOARD, KOLLAM ,REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER, PIN – 691021.

**4 THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD
(KMTWWFB), SRM ROAD, ERNAKULAM NORTH,
KACHERIPADY, KOCHI, ERNAKULAM, PIN – 682018.**

OTHER PRESENT:

SRI E G GORDEN SR GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner, an auto driver has sought for certain benefits from the 3rd respondent Board with whom the petitioner was a member, in connection with the marriage of his daughter. However, the petitioner was in arrears with the said Board and the arrears is seen regularized only on 19.07.2023, where as the marriage of the petitioner's daughter has taken place on 02.07.2023. The application seeking the benefits from the Board is rejected by the 4th respondent herein as per Ext.P4 dated 10.11.2023, essentially on account of the belated clearance of the arrears.

2. It is challenging Ext.P4 issued by the 4th respondent that the captioned writ petition is filed by the petitioner.

3. I have heard Sri.Anoop V.Nair, the learned counsel for the petitioner, Sri.E.G.Gorden, the learned Senior Government Pleader for the 1st respondent and Sri.K.S.Manu, the learned Standing Counsel for the

respondents 2 to 4.

4. The facts are not in dispute. The petitioner admits that the arrears have been cleared only on 19.07.2023 after the marriage ceremony on 02.07.2023.

5. On the face of the afore, I notice that the entitlement of the petitioner for the benefits sought for is not disputed in Ext.P4. Rather a technical approach has been adopted in Ext.P4, holding that, insofar as the petitioner was a defaulter, he was not entitled for the benefits sought for by him. I am of the opinion that, insofar as the entitlement is not in dispute, the mere delay in payment ought not to have been viewed seriously by the 4th respondent.

6. In such circumstances, though in Ext.P3 notice, certain Government Orders have been seen referred to, I am of the opinion that the claim of the petitioner requires re-consideration, as a special case.

Resultantly, this writ petition would stand allowed by *setting aside* Exts.P3 and P4 and directing the 3rd and 4th respondents herein to consider the claim made above, the

petitioner, in the light of the observations made at, as expeditiously as possible, at any rate, within a period of eight weeks from today.

Sd/-

HARISANKAR V. MENON

JUDGE

ANA

APPENDIX OF WP(C) 41543/2023

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF THE IDENTITY CARD OF THE PETITIONER MOTOR TRANSPORT WORKERS WELFARE FUND BOARD BEARING CODE NO.KMT.07.AW.046715**
Exhibit P2	**TRUE COPY OF THE RECEIPT RECEIVED BY THE PETITIONER FOR THE AMOUNT PAID TOWARDS THE WELFARE FUND**
Exhibit P3	**TRUE COPY OF THE REJECTION LETTER DATED 16.08.2023**
Exhibit P4	**TRUE COPY OF THE REJECTION LETTER DATED 10.11.2023**