

Abdul Samad K.K. Vs. the District Executive Officer, Kerala Motor Transport Worke

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Court : Kerala

Decided On : Feb-01-2013

Judge : Honourable Mr.Justice V.Chitambaresh

Appellant : Abdul Samad K.K.

Respondent : The District Executive Officer, Kerala Motor Transport Worke

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.CHITAMBARESH FRIDAY, THE 1ST DAY OF FEBRUARY 2013 12TH MAGHA 193 WP(C).No. 19447 of 2012 (E) ----- PETITIONER(S): ----- ABDUL SAMAD K.K., KARUVANGATTA KAVIL HOUSE,RANGATTOOR, NADUVATTAM PO., KUTTIPPURAM,TIRUR, REPRESENTED BY HIS POWER OF ATTORNEY HOLDER P.R.RAMESAN, S/O.PAPPU,COLONY NO.61,THOTTAPPALLY PO., ALAPPUZHA. BY ADVS.SRI.G.PRABHAKARAN SMT.R.PADMAKUMARI RESPONDENT(S): ----- 1. THE DISTRICT EXECUTIVE OFFICER, KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, ALAPPUZHA,PIN.688 001.

2. THE REGIONAL TRANSPORT OFFICER CUM SECRETARY, REGIONAL TRANSPORT AUTHORITY,ALAPPUZHA 68 001. R1 BY ADV.

SRI.SAJEEVKUMAR K.GOPAL, SC SRI.D.SAJEEV BABU, SC, KMTWWFB R2
BY GOVERNMENT PLEADER SMT.LISHA M.G. THIS WRIT PETITION (CIVIL)
HAVING BEEN FINALLY HEARD ON 01-02-2013, THE COURT ON THE SAME
DAY DELIVERED] THE FOLLOWING: Kss WPC.NO.19447/2012 E APPENDIX
PETITIONER'S EXHIBITS: EXHIBIT-P1 - TRUE COPY OF THE REGISTRATION
CERTIFICATE VEHICLE NO. KL 10/R 8830.EXHIBIT-P2 - TRUE COPY OF THE
COMBINED CHALLAN RECEIPT DATED 27 2.2012. EXHIBIT-P3 - TRUE COPY
OF THE PROCEEDINGS OF THE REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM DATED 29 9.2011. EXHIBIT-P4 - TRUE COPY OF THE ORDER
DATED 6 6.2012 IN WPC. NO.12810/2012. RESPONDENTS' EXHIBITS: N I L
/TRUE COPY/ P.A.TO JUDGE Kss V. CHITAMBARESH, J
----- WP(C) NO. 19447 OF 201.-----

Dated this the 1st day of February, 2013 JUDGMENT The petitioner asserts that
he is already covered by the Employees Provident Funds and Miscellaneous
Provisions Act, 1952 in respect of the employees engaged in his vehicle KL 10.R
8830.Therefore there is no necessity to pay contribution under the Kerala Motor
Transport Workers Welfare Fund Act as evident by the Proviso to Section 4
thereof. The second respondent Regional Transport Officer shall accept motor
vehicles tax in respect of the vehicle KL 10/R 883.without insisting on the
clearance certificate from the first respondent District Executive Officer.

2. A copy of this judgment shall however be forwarded to the Assistant Provident
Fund Commissioner, Alappuzha to ensure that the petitioner is covered by the
Employees Provident Funds and Miscellaneous Provisions Act in respect of the
employees attached to the vehicle. The Writ Petition is disposed of. V.
CHITAMBARESH JUDGE ncd

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