

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 34343 of 2006(L)

PETITIONER:

1. VINOD KUMAR T.D.,
AGED 51 YEARS, S/O.DAMODARAN,
DRIVER, K.S.R.T.C., MALA DEPOT,
MALA.
2. T.A.THOMAS,
AGED 58 YEARS, S/O.ANTONY,
THUNKUPARAMBIL HOUSE, MURINGOOR P.O.,
CHALAKUDY, THRISSUR DISTRICT.

BY ADV. SRI.M.A.ABDUL HAKHIM
SRI.JYOTHISH.J.KALLINGAL

RESPONDENTS:

1. KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM,
REP. BY ITS MANAGING DIRECTOR.
2. ASST. TRANSPORT OFFICER,
K.S.R.T.C., MALA DEPOT, MALA.
3. THE CHIEF ACCOUNTS OFFICER,
K.S.R.T.C., THIRUVANANTHAPURAM.
4. KERALA STATE TRANSPORT WORKERS
CO-OP. SOCIETY LIMITED NO.T.133,
THIRUVANANTHAPURAM, REP. BY ITS SECRETARY.
5. JOSEPH K.V.,
AGED ABOUT 59 YEARS, S/O.VARGHESE,
KALLANKULAM HOUSE, ALUVA.

BY ADV. SHRI.JOHNSON P.JOHN, SC, KSRTC
SRI.N.UNNIKRISHNAN,SC KSTW CO.OP SOCIET

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WPC NO.34343/2006

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE DEMAND NOTICE SENT BY THE 4TH RESPONDENT TO THE 1ST PETITIONER.

EXT.P2: COPY OF THE DEMAND NOTICE SENT BY THE 4TH RESPONDENT TO THE 2ND PETITIONER.

EXT.P3: COPY OF THE CERTIFICATE ISSUED BY ASISSTANT TRANSPORT OFFICER, KSRTC CHALAKUDY WHO WAS IN CHARGE OF 2ND RESPONDENT.

EXT.P4: COPY OF THE APPLICATION TO THE 2ND AND 4TH RESPONDENTS REQUESTING THEM TO FURNISH A STATEMENT OF ACCOUNTS RELATING TO THE LOAN AND TO ADJUST THE AMOUTNS RECOVERED FROM 5TH RESPONDENT ON THE RESPECTIVE DATES OF RECOVERY.

RESPONDENTS'S EXHIBITS:

EXT.R4(A): COPY OF STATEMENT OF RECOVERY POSITION OF SHRI JOSEPH K.V. IN W.P. (C)NO.34343/06

PIUS C.KURIAKOSE, J.

W.P.(C)NO.34343 of 2006

Dated this 31st day of January, 2007

JUDGMENT

The 4th respondent society has filed a detailed counter affidavit. The KSRTC has not filed any counter affidavit. Heard Sri.M.A.Abdul Hakkim, the learned Counsel for the petitioners, Sri.N.Unnikrishnan, the learned Standing Counsel for the 4th respondent society and Sri.Johnson P.John, the learned Standing Counsel for the KSRTC. There is no appearance for the 5th respondent the principal borrower for whom the petitioners stood as surety.

2. Having regard to the submissions made and the materials which are placed on record, I am of the view that the petitioners are entitled for relief. It is seen that a sum of Rs.13,798/- is payable by the KSRTC to the Society on account of the delay which was caused on the part of the KSRTC in making prompt remittances of the amount deducted from the salary of the 5th respondent and also the petitioners. Under these circumstances, this writ petition will stand disposed of issuing the following orders:

Exts.P1 and P2 are quashed. There will be a declaration that the petitioners are no longer under liability to the 4th respondent under loan No.37231 availed by the 5th respondent. There will be a further declaration that the KSRTC is liable to pay a total amount of Rs.13,798/- (Rupees Thirteen Thousand Seven Hundred and Ninety Eight) to the 4th respondent society and there will be a direction to the KSRTC to pay that amount to the society within one month of receiving a copy of this judgment.

PIUS C.KURIAKOSE
Judge

dpk