

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 30TH JUNE 2009 / 9TH ASHADHA 1931

OP.No. 2082 of 2001(W)

PETITIONER(S):

TOM T. ABRAHAM, SON OF P.T. ABRAHAM, THALAKKULATH HOUSE,
MADAPPALLY P.O., CHANGANASSERY, KOTTAYAM.

BY ADV. SRI.M.K.CHANDRA MOHANDAS
SRI.C.S.MANILAL

RESPONDENT(S):

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1. THE STATE OF KERALA, REPRESENTED BY THE COMMISSIONER AND SECRETARY TO GOVERNMENT, LABOUR AND REHABILITATION DEPARTMENT, THIRUVANANTHAPURAM.
 2. THE DISTRICT EXECUTIVE OFFICER, KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, KOTTAYAM.
 3. THE DEPUTY TAHSILDAR, REVENUE RECOVERY, CHANGANASSERY TALUK, CHANGANASSERY, KOTTAYAM.

ADV. SRI.P.RAMAKRISHNAN FOR R2

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 30/06/2009, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON CMP 3522 OF 2001 IN OP 2082 OF 2001

30.6.2009

SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 PHOTOCOPY OF THE FINAL ASSESSMENT ORDER OF THE 2ND RESPONDENT, NUMBER E.K 941/B4/98-99 DATED 31.1.2000

EXT.P2 PHOTOCOPY OF THE MEMORANDUM OF APPEAL, FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 20.11.2000

EXT.P3 PHOTOCOPY OF THE STAY PETITION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 20.11.2000

EXT.P4 TRUE COPY OF THE AFFIDAVIT FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 20.11.2000

EXT.P4(a) TRUE COPY OF THE DELAY PETITION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED ;20.11.2000

EXT.P5 PHOTOCOPY OF THE DEMAND NOTICE ISSUED BY THE 3RD RESPONDENT DATED 20.11.2000

EXT.P6 PHOTOCOPY OF THE JUDGMENT IN OP 34167 OF 2000 P PASSED BY THE HON'BLE HIGH COURT OF KERALA, DATED 6.12.2000

EXT.P7 PHOTOCOPY OF THE ORDER PASSED BY THE GOVERNMENT OF KERALA NUMBER G.O. (RT) NO. 4323/2000/LBR DATED 15.12.2000

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

O.P. NO. 2082 OF 2001

Dated this the 30th day of June, 2009

JUDGMENT

Heard counsel for the petitioner and standing counsel appearing for the Motor Transport Workers Welfare Fund Board. Even though appeal against final adjudication order was rejected for delay in filing it, I do not think there is any scope for directing reconsideration of the appeal because demand is made only for two workers, that too based on petitioner's own statement given to Inspector. Petitioner does not deny operation of stage carriage by him during the relevant period. This Court has noted the fact that a stage carriage with two doors cannot be operated without a minimum of four workers. Therefore the demand for two workers may probably be the minimum, that is for the driver and conductor. O.P. is devoid of any merit and is dismissed.

(C.N. RAMACHANDRAN NAIR)
Judge

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