

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Friday, the 23rd day of September 2022 / 1st Aswina, 1944
WP(C) NO. 2945 OF 2020(P)

PETITIONERS:

1. RAJESH KUMAR M.N., AGED 40 YEARS, S/O. NARAYANAN NAIR, SREE RAGAM APARTMENT, 43/2013 E, DARUSALAM LANE, PACHALAM, KOCHI-682012 (DRIVER, KERALA STATE ROAD TRANSPORT CORPORATION, ERNAKULAM DEPOT)
2. BIJU V.A., AGED 45 YEARS, S/O. ANTHONY V.K., VELUCKARAN HOUSE, P O CHOOLISSERY-680541, (DRIVER, KERALA STATE ROAD TRANSPORT CORPORATION, ATTINGAL DEPOT)

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, TRANSPORT(A) DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695001

AND 5 OTHERS.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the KSRTC to re-arrange the duty schedules as single duties with sufficient rest between the trips in the light of P3 judgment and P4 memorandum, pending disposal of this Writ Petition (Civil).

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 17.06.2022 and upon hearing the arguments of SRI. K.P.JUSTINE (KARIPAT), Advocate for the petitioners, GOVERNMENT PLEADER for R1, M/S DEEPU THANKAN, STANDING COUNSEL for R2 to R6, the court passed the following:

p.t.o

Devan Ramachandran, J.

W.P.(C)Nos.2945 of 2020, 16368 of 2021,
3356, 4837 and 30208 of 2022

Dated this the 23rd day of September, 2022

ORDER

It is another 'Hartal' today! Called by an entity without notice.

2. For some inexplicable reason, it is the KSRTC which is under attack.

3. Sri.Deepu Thankan, learned Standing Counsel for the KSRTC, informs me that as many as 70 buses have been destroyed across the State and that it has suffered nearly Rs.50 lakhs in loss.

4. Why so, no one knows! Perhaps because the perpetrators think they can get away with it.

5. Who does not know that KSRTC is struggling to be afloat. This Court has been, for past few months, desperately trying to make sure that salary to its employees are paid.

6. The Government is actively involved and financial assistance is being offered by it to KSRTC on a monthly basis.

7. How, in such situation, can KSRTC suffer such rampant attack on them - and for what sin?

8. The learned Additional Advocate General, Sri.Ashok M.Chcrian, instructed by Sri.Santhosh Kumar, learned Special Government Pleader, submitted that efforts are on to nab the culprits.

9. This is not sufficient.

10. The loss to the KSRTC is not merely Rupees 45 to 50 lakhs as stated by them, but much more because, several schedules and trips will be lost until the vehicles are repaired.

11. More importantly, hard working and sincere employees - who were brave to disregard attacks - have been seriously injured. The graphic pictures of drivers driving with helmets is very poignant.

12. This has to stop - forever. Period!

13. It can happen only if the entity which called the 'Hartal' and the culprits are dealt with vehemently by law.

14. The Government surely have to be alive to this and must initiate strict action forthwith.

15. The learned Additional Advocate General affirmed this and assured that requisite action will be begun, as to be ordered by this Court, against the culprits.

16. Hence, the Government will, by the next posting date, inform this Court how they will recover the loss to the KSRTC - which it can ill afford - from the culprits, as also the entity and its office bearers which called the 'Hartal'. The loss is not merely the repair charges of the vehicles, but the loss of revenue when the trips and schedules are incapacitated; as also the medical expenses of the employees.

17. The action to be initiated ought to be swift, decisive, deterrent and adequate, so that another will shudder before a stone is thrown on the KSRTC again.

18. The Chief Secretary to Government of Kerala and the Secretary, Home Department, will overview the action and report to this Court.

List on 17.10.2022.

tkv

Sd/-
Devan Ramachandran, Judge