

VERDICTUM.IN

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

Thursday, the 13th day of July 2023 / 22nd Ashadha, 1945
WP(C) NO. 15353 OF 2022 (T)

PETITIONERS:

1. R. BAJI, AGED 45 YEARS, DRIVER GRADE I, KSRTC DEPOT, ATTINGAL, THIRUVANANTHAPURAM - 695101.
2. R. S. RIJU, CONDUCTOR SPECIAL GRADE, KSRTC DEPOT, PALA, KOTTAYAM - 686575.
3. SHAJAN P., CONDUCTOR SPECIAL GRADE, KSRTC DEPOT, CHALAKKUDY, THRISSUR - 680 307. (SECRETARY, FORUM FOR JUSTICE (REG. NO.TVM/TC/252/2019), ABHILASH NIVAS, TC 48/321, MITHRA NAGAR, POONTHURA POST, THIRUVANANTHAPURAM - 695 026.

RESPONDENTS:

1. KERALA STATE ROAD TRANSPORT CORPORATION LTD., REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM - 695 023.
2. THE MANAGING DIRECTOR, KERALA STATE ROAD TRANSPORT CORPORATION LTD., TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM - 695 023.
3. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
4. ADDL.R4 THE CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
5. ADDL.R5 THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT, FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001. [ADDL.R4 & R5 ARE IMPEADED AS PER ORDER DATED 28.06.2022 IN I.A NO:1/22 IN WP(C) 15353/2022]
6. ADDL.R6 KERALA STATE ROAD TRANSPORT EMPLOYEES ASSOCIATION (C.I.T.U) REPRESENTED BY ITS GENERAL SECRETARY AZHIKKODAN MEMORIAL BUILDING, MANJALIKKULAM ROAD, THIRUVANANTHAPURAM - 695 001 (EMAIL - KSRTEAHO@GMAIL.COM)
7. ADDL.R7 KERALA DEMOCRATIC FEDERATION (T.D.F) REPRESENTED BY ITS GENERAL SECRETARY, VARADARAJAN NAIR SAMARAKA MANDIR, MANJALIKKULAM ROAD, THIRUVANANTHAPURAM - 695 001 (EMAIL-INTUCKSRTC@GMAIL.COM)
8. ADDL.R8 KERALA STATE TRANSPORT EMPLOYEES SANGH (B.M.S), REPRESENTED BY ITS GENERAL SECRETARY, TENJHI BHAVAN T.C., 25/1114(1), ARISTO JUNCTION (TTRA-B3), MANORAMA ROAD, THIRUVANANTHAPURAM - 695 014 (EMAIL-KSTESBMSSTATE@GMAIL.COM) [ADDL.R6 TO ADDL.R8 ARE IMPEADED AS PER ORDER DATED 01/07/2022 IN I.A NO:2/2022 IN WP(C) NO. 15353/2022]

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 respondents to pay salary to the petitioners before 5th of every succeeding month, pending disposal of the above Writ Petition.

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 13/01/2023 and upon hearing the arguments of M/S.P.NANDAKUMAR & AMRUTHA SANJEEV, Advocates for the petitioners, SRI.DEEPU THANKAN, STANDING COUNSEL for R1 & R2 and of GOVERNMENT PLEADER for R3, ADDL. R4 & ADDL. R5 (By Order) M/S.T.P.PRADEEP, MINIKUMARY M.V., P.K.SATHEESH KUMAR & R.K.PRASANTH, Advocates for Addl.R6 SRI.G.S.REGHUNATH, Advocate for Addl.R7, and of M/S.MANU GOVIND & A.JAYASANKAR Advocates for Addl. R8 the court passed the following:



DEVAN RAMACHANDRAN, J.

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**W.P.(C).Nos. 15353/2022, 18462/2022,
23949/2022 & 30518/2022**

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Dated this the 13th day of July, 2023

ORDER

This is the same story repeating again: the salary to the employees of Kerala State Road Transport Corporation (KSRTC), has not yet been paid for the last month.

2. This Court has issued several orders in the past, particularly those dated 08.06.2022, 21.06.2022 and 11.07.2022 - which are all detailed in its tenor - reminding the Authorities the plight of the hapless employees of the KSRTC, if their salaries and allowances are defaulted even for a few days - they all being members of the most vulnerable financial state of society. It is thus that directions were issued in the last of the said orders to make sure that the KSRTC shall, as far as it is practical, pay salary on the 5th, or at least by the 10th of each month.

3. This Court is now told that, in spite of these directions, the KSRTC has come out with a Circular dated 16.02.2023, saying that the employees will be paid whatever is possible on the 5th of every month and the balance as and when the Government assists them. I am further told by the learned counsel appearing for the KSRTC today, that until this month, payments were made in terms of the afore Circular.

4. The question whether the afore Circular is proper or otherwise is not being looked into today, because my limited endeavor, as of now, is to ensure that all the employees are paid their salaries, one way or another, without delay.

5. However, it appears not to be, as far as the last month is concerned, because, even on this date, the salary remains unpaid fully.

6. These matters have been pending before this Court for more than a year now. Several suggestions have been made and incorporated in the various interim orders of this Court; but which appear to have been, at least *prima facie*, disregarded by the stakeholders.

7. The learned counsel for the KSRTC says that her client has sought assistance from the Government and that an amount of Rs.30 crore is likely to be credited today. She added that, this amount will be disbursed to the employees towards their salary without any avoidable delay.

8. One fails to understand why the KSRTC is being pushed into this kind of financial distress when their employees are working at more than satisfactory levels, which is evident from the income that is generated - stated to be over 220 crore per month now.

9. As this Court said earlier, it is obvious that the KSRTC is burdened by their prior commitments and that amounts are being used to honour them, before the salaries are paid. This, if true, is contrary to the spirit of the order dated 21.06.2022.

10. The net effect is that the employees of the KSRTC are toiling, but they are left without being paid salary.

11. This Court fails to understand how long this can go on, particularly when the Government appears to take the stand that they cannot take full responsibility for the Corporation.

12. Pertinently, this Court has been making suggestions for the benefit of the KSRTC, but as I have said above, they appear to have all fallen on deaf ears even today.

13. The situation cannot be allowed to continue like this.

14. I, therefore, adjourn this matter to be called on 20.07.2023, at 1.45 p.m.; and if the salaries of the employees are not fully honoured by then, the Managing Director of the KSRTC shall remain present online to explain why.

List on 20.07.2023.

H/o.

Sd/-
DEVAN RAMACHANDRAN
JUDGE

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