

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Monday, the 21st day of August 2023 / 30th Sravana, 1945

WP(C) NO. 15353 OF 2022 (T)

PETITIONERS:

1. R. BAJI, 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 16/08/2023 and upon hearing the arguments of M/S.P.NANDAKUMAR & AMRUTHA SANJEEV, Advocates for the petitioners, SRI.DEEPU THANKAN, STANDING COUNSEL for R1 & R2, GOVERNMENT PLEADER for R3, ADDL. R4 & ADDL. R5 (By Order) M/S.T.P.PRADEEP, MINIKUMARY M.V., P.K.SATHEESH KUMAR & R.K.PRASANATH, Advocates for Addl.R6, SRI.G.S.REGHUNATH, Advocate for Addl.R7, and of M/S.MANU GOVIND & A.JAYASANKAR Advocates for Addl. R8 and of SRI. SANTHOSH KUMAR, SPECIAL GOVERNMENT PLEADER (By Order), the Court passed the following:



DEVAN RAMACHANDRAN, J.

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Dated this the 21st day of August, 2023

ORDER

Read order dated 16.08.2023.

2. The learned Special Government Pleader - Sri.Santhosh Kumar, submitted that the High Level Meeting discussed many facets of the Kerala State Road Transport Corporation (KSRTC); and that the Government is willing to make up for any shortfall for payment of salary, though it has been made clear to the Management of the KSRTC that the provisions for Festival Allowances will have to be found from its own resources.

3. It is rather intriguing that the Government is unable to inform this court of any alternative for the KSRTC - apart from the monthly assistance being given to them by them;

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but still delays payment until the end of the month. This can only lead to unnecessary strife and controversy within the ranks of the KSRTC.

4. Once the Government has committed itself, at least temporarily, to keep the KSRTC out of the red, one fails to understand why they are delaying such payment, which they could have done by the first or second week of every month, so that the earlier interim orders of this Court could have been complied with. No cogent explanation is forthcoming, even though this question has been repeatedly asked by this Court.

5. As matters now stand, Sri. Deepu Thankan - learned Standing Counsel for the KSRTC, says that at least another Rs.30 crores is required to honour the full salary of the employees of the KSRTC for the month of July, 2023; and that a further 10 crores will be necessary to pay

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their Festival Bonuses and Allowances.

6. When the entire State is now in celebratory mode for Onam, this Court certainly cannot countenance that the hardworking employees of the KSRTC - especially its drivers and conductors - should remain even without salary for the month of July, 2023.

7. It is, therefore, now unexpendable that the Government and the KSRTC find Rs.40 crores; and this cannot brook any further delay, because 'Thiruvonam' is on 29.08.2023, while 28.08.2023 is a public holiday.

8. The learned Special Government Pleader - Sri.Santhosh Kumar, sought time till 24.08.2023 to respond.

I, therefore, adjourn this matter to be called at 10.15 a.m. on the afore day; but clarifying that the provisions for the aforementioned amount, or at least Rs.30 crores,

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must be answered affirmatively on that date.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

akv

H/o

