

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN
&
THE HONOURABLE MRS. JUSTICE SOPHY THOMAS

Friday, the 6th day of May 2022 / 16th Vaisakha, 1944
WP(C) NO. 15119 OF 2022(S)

PETITIONER:

N. RAVEENDRAN, S/O.NANU, RANJINI, OLAVARA,
UDUMBANTHALA P.O., KASARAGODE.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. THE SECRETARY, TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
3. KERALA STATE ROAD TRANSPORT CORPORATION, TRANSPORT BHAVAN, THIRUVANANTHAPURAM, PIN - 695 035, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR.
4. THE CHAIRMAN AND MANAGING DIRECTOR, KERALA STATE ROAD TRANSPORT CORPORATION, TRANSPORT BHAVAN, THIRUVANANTHAPURAM, PIN - 695 035.
5. KERALA URBAN ROAD TRANSPORT CORPORATION, TRANSPORT BHAVAN, THIRUVANANTHAPURAM, PIN - 695 035, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR.
6. THE TRANSPORT COMMISSIONER, MOTOR VEHICLE DEPARTMENT, 2ND FLOOR, C.V. RAMAN PILLAI ROAD, DPI, VAZHUTHACAUD, THIRUVANANTHAPURAM - 695 014.

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 issue an interim order directing the respondents to restore the operation of KSRTC and KURTC services in its original fleet strength by repairing the entire vehicle dumped in various depots and yards within a time frame and pass orders restraining the parallel service of contract carriage vehicle in the state as early as possible, pending disposal of the above writ petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SRI.ANIL KUMAR M.SIVARAMAN, Advocate for the petitioner, SRI.DEEPU THANKAN, STANDING COUNSEL for R3 & R4 and of SRI.SANTHOSHKUMAR, SPECIAL GOVERNMENT PLEADER, the court passed the following:

P.T.O.

**DEVAN RAMACHANDRAN &
SOPHY THOMAS, JJ.**

W.P. (C) No.15119 of 2022

Dated this the 6th day of May, 2022

O R D E R

Devan Ramachandran, J.

At the crux of all the assertions and averments in this writ petition, the petitioner - who is stated to be a public interest litigant - draws our attention to the allegation that the most valuable assets of the Kerala State Road Transport Corporation (KSRTC) are being wasted away on account of negligence and insouciance.

2. Though there are various other imputations made in this writ petition, prima facie, we are of the view that the focus must be on the fact that several buses of the KSRTC- running into hundreds- are stated to be now maintained in a state of waste and disrepair. This is sought to be shown through Exts.P2 to P5 photographs.

3. Of course, we would require more inputs before we conclude affirmatively. As matters now stand, it is common

W.P.(C) No.15119/2022

2

knowledge - as is also admitted by Sri.Deepu Thankan, learned Standing Counsel for the KSRTC - that the Corporation is going through great financial crisis, reaching a stage where the salary and other benefits of the employees have been delayed. We are also told by Sri.Santhoshkumar, learned Special Government Pleader, that the State chips in with help and assistance, including monetary, as and when it is required; but that he does not have instructions as to the specific nature of the allegations in this writ petition.

4. As we stated above, the photographs placed on record speaks a thousand words. We see a large number of buses kept in the open, exposed to the vagaries of nature and literally rusting, though the KSRTC attempts - through a statement filed by their Chief Law Officer- to explain, saying that many of them are intended for scrapping.

5. What affects us is that, normally, the owners of assets would not allow them to whittle away, whatever be the reason. This is more so because, admittedly, the KSRTC has a large contingent of employees, both on the mechanical and the garage side, who are expected to take care of the buses and other assets. Therefore, even if the buses cannot be run for

W.P.(C) No.15119/2022

3

the reasons that the KSRTC may project in their favour, we cannot countenance the fact that large number of them are being allowed to deracinate for lack of care and accountability. When the KSRTC is stated to be going through extreme fiscal crisis, such conduct will have to be looked into very deeply. As rightly stated by Sri.Santhoshkumar, learned Special Government Pleader, when the Government endeavors to help the KSRTC through financial and other measures, they must also keep in mind the absolute necessity for the Corporation to pull up their socks and to ensure that efficiency is restored in its operations.

6. Needless to say, it is only when the assets of the KSRTC are well taken care of and protected- as would be done by an ordinary person of his own assets- can we expect it to turn around, at least in the distant future.

7. It is, therefore, now imperative that the Government and the KSRTC answer the allegations regarding the destruction of the buses, as has been projected in Exts.P2 to P5 photographs, through proper pleadings, enumerating the steps that will be taken not merely with respect to the assets shown therein, but also with respect to the same in future, so

W.P.(C) No.15119/2022

4

that the KSRTC can be saved from doom.

8. Before we part, we must certainly account for one of the other submissions of Sri.Santhoshkumar - learned Special Government Pleader and Sri.Deepu Thankan- learned Standing Counsel for the KSRTC that, many of the woes of the Corporation is on account of the Covid-19 pandemic. No doubt, this was not a crisis which was in the contemplation of any person in March 2020. However, this is no reason why the buses and other assets of the KSRTC should be allowed to remain idle or to be destroyed exposing them to the vagaries of nature, because as we already stated, the entire staff strength of the KSRTC was in operation and they were under an obligation to ensure that such assets were well taken care of and protected.

9. Prima facie, this not having been done, we are certain that this Court should step in and ensure reparative measures.

We, therefore, adjourn this matter to be called on 31.05.2022; within which time, both the Government and the KSRTC will file detailed counter affidavits enumerating the measures taken or to be taken with respect to the assets of

W.P.(C) No.15119/2022

5

the latter and the manner in which it requires to be protected, so as to bring into its operation the necessary efficiency, which alone can save it from further trouble in future.

Post on 31.05.2022.

Sd/-

**DEVAN RAMACHANDRAN
JUDGE**

Sd/-

**SOPHY THOMAS
JUDGE**



smp

APPENDIX OF WP(C) 15119/2022

- Exhibit P2** TRUE PHOTOGRAPH OF THE ABANDONED VEHICLES IN THEVARA YARD.
- Exhibit P3** TRUE PHOTOGRAPH OF THE ABANDONED VEHICLES IN ERNAKULAM YARD.
- Exhibit P4** TRUE PHOTOGRAPH OF THE ABANDONED VEHICLES IN ERNAKULAM YARD.
- Exhibit P5** TRUE COPY OF THE MEDIA REPORT RELATING TO THE FALLING NUMBER OF PUBLIC TRANSPORT SERVICE.

