

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

Wednesday, the 24th day of August 2022 / 2nd Bhadra, 1944
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-KSTESBMSSSTATE@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 17/08/2022 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.SATHEES KUMAR & R.K.PRASANTH, Advocates for Addl.R6 and of SRI.G.S.REGHUNATH, Advocate for Addl.R7, the court passed the following:



Devan Ramachandran, J.

**W.P.(C)Nos.15353 of 2022, 18462 of 2022
and 23949 of 2022**

Dated this the 24th day of August, 2022

ORDER

Read order dated 02/08/2022.

2. Onam is at our doors, but the employees of the KSRTC still find no ray of hope: not, merely for festival bonus and other perquisites, but even for their salaries for the last two months.

3. Sri.Santhosh Kumar – learned Special Government Pleader, submitted that meetings of the Trade Unions and other stakeholders were held under the aegis of two Ministers of Kerala on 17/08/2022, 18/08/2022 and 22/08/2022; but that no consensus could be arrived at. He, however, conceded that the Government is aware of the problem faced by the KSRTC and that the latter has made a request for Rs.103 Crores, to pay salary for the months of July and August respectively, along with Rs.3 Crores toward Festival Bonus.

He then added that, to get over the impasse faced by them, the KSRTC has also requested another Rs.250 Crores as Working Capital, as a one time measure, so as to make them self reliant in future.

4. The learned Special Government Pleader submitted the Government is looking into the afore requests and that it is likely that they will take a positive decision on the first among the afore requests immediately, so that the employees of the KSRTC will at least be paid their salaries by Onam.

5. This Court is aware that there can be no easy panacea for the ills faced by the KSRTC. The remedy has to be searched slowly, but surely.★

6. However, it is unconscionable for this Court to leave the employees of the KSRTC hungry during the Onam season, when the State enters festivities, after nearly two years of the Covid-19 pandemic disruption.

7. Indubitably, therefore, the amount requested by the KSRTC for paying the salaries to their employees for the

months of July and August, and as bonus, will have to be now honoured by the Government, because they can recover the same in future, if so desirous, including by proceeding against the assets of the KSRTC in due course.

8. Though this Court is cognizant that Sri.Santhosh Kumar – learned Special Government Pleader, has submitted that the Government is considering the payment of the afore amount positively, it cannot be left to chance because, if eventually, they refuse to do so, the situation of the employees of the KSRTC would become intolerable.

9. Resultantly, acceding to the request of Sri.Santhosh Kumar, I adjourn this matter to be called on 01/09/2022; however, directing the Financing Department or other competent Authority of the Government to release the amounts required by the KSRTC, after deducting any sum that may be with them as of now, to pay the salaries of their employees for the months of July and August 2022, along with the eligible bonus, on or before the next posting date.

10. As regards the further amount required by the KSRTC as Working Capital, I leave it to the Government to consider it appropriately and inform to this Court in due course .

Sd/-

**DEVAN RAMACHANDRAN
JUDGE**

H/o
ANB

