

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN
Friday, the 1st day of July 2022 / 10th Ashadha, 1944
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]

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 21/06/2022 and upon hearing the arguments of M/S.P.NANDAKUMAR & AMRUTHA SANJEEV, Advocates for the petitioners, and SRI.DEEPU THANKAN, STANDING COUNSEL for R1, R2 and ADDL. R6 to ADDL. R8 (Sought to be impleaded) and of GOVERNMENT PLEADER for R3, ADDL. R4 & ADDL. R5 (By Order), the court passed the following:



DEVAN RAMACHANDRAN, J.

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W.P.(C).Nos.15353 & 18462 of 2022

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Dated this the 1st day of July, 2022

ORDER

Read order dated 28.06.2022.

2. The learned counsel appearing for the Trade Unions submitted that they trust this Court implicitly and are in appreciation of the efforts taken to ensure that the employees of the Kerala State Road Transport Corporation (KSRTC) are paid their salary in time. They added that they are also aware that this is a sisyphian task and that a reasonable time will be required to entangle the imbroglio now seen.

3. I must also record that the 'Kerala State Transport Employees Sangh', which is one of the Unions submitted that they are not causing any obstruction in the activities of the KSRTC and that they are continuing the strike in front of the Secretariat.

4. As far as Kerala Democratic Federation, another Union is concerned, they also say that they undertake that they will not in any manner obstruct the KSRTC, its offices, employees or the general public.

5. The afore submissions are recorded.

6. Sri.T.P.Pradeep -learned counsel appearing for the Kerala State Road Transport Employees Association, however,

submitted that the members of his clients are still sitting on a 'Dharna' in the offices of the KSRTC, but that this was commenced even before this Court passed the first order in these writ petitions. He, however, added that taking note of the effort taken by this Court, his client is willing to cease all such actions against the KSRTC and await the final decision of the Government in this matter, as has been already ordered by this Court. He added that necessary action in this regard will be taken immediately.

7. Sri.Santhosh Kumar - learned Special Government Pleader, submitted that the Government has taken the views of this Court very seriously and that the Hon'ble Chief Minister will be chairing the meeting of the High Level Committee within the next few days. He added that, the delay was only because of the on-going legislative session.

8. As this Court has been saying consistently in the earlier orders, an immediate solution to the problems faced by the KSRTC may be possible only if the Government steps in and at least tries to avoid the overdraft faced by it with respect to the payment of salary. I say so because, going by the figures now

available, the KSRTC is paying salary to the employees with the income that it generate in the next working month.

9. Obviously, therefore, unless the gap in expenditure and payment of salary is somehow removed, the inevitable overdraft cannot be controlled.

10. It may not require this Court to keep on saying that the failure to disburse the salary in the first week of a month would cause indescribable and explainable chaos in the life of all their employees. There are persons who are under medical treatment; who will require to take care of their children's education; to meet their daily expenses, etc., which they would be incapacitated because they are not obtaining their salary in time, though they have worked very hard.

11. Of course, the suggestions of the KSRTC as made by their learned Standing Counsel - Sri.Deepu Thankan, *inter alia*, that the ticket revenue be somehow enhanced to Rs.8 Crore or so a day can be achieved only with the support of the employees as also the Unions.

12. Any disruptive activities on their part, therefore, will make this object a chimera and perhaps even unattainable. It is,

therefore, that this Court is anxious that such disruptive activities be not undertaken by them, particularly when they say that they have full support for and trust in this Court, which I certainly appreciate and record.

13. That said, taking note of the request made by Sri.Santhosh Kumar, I deem it appropriate to grant the Government a few more days time; but making it clear that this shall not be construed to mean that this Court has diluted its intent in any manner to ensure that all employees are paid their salary at least in the first week of every month, if not the 5th of it.

14. I reiteratingly clarify that it is only because the Hon'ble Chief Minister has agreed to chair a High Level Meeting that this Court is now granting more time; however, that this Court will issue orders to pay salaries at least from the month of August, 2022 on its 5th day.

Post on 11.07.2022 and the earlier interim orders with respect to the payment of salary to the employees before the supervisory staff will remain and continue.

I close recording the submissions of Sri.T.P.Pradeep on behalf of his client that all strikes and disruptive activities in the

premises of the KSRTC and its offices will be immediately ceased, though giving them liberty to do so in other appropriate areas of their choice.

I also record the submissions of all the learned counsel for the various Trade Unions that their activities will not in any manner disrupt the functioning of the KSRTC, its offices, schedules or its trips until the next posting date.



Sd/-

**DEVAN RAMACHANDRAN,
JUDGE**

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H/o