



GOVERNMENT OF KERALA

Abstract

5891/2012

TRANSPORT COMMISSIONER KERALA	
WARD NO.	
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Transport Department -Students Travel Concession in Stage carriages on Holidays- objection filed by Shri.Johnson Padamadan and Lawrance Babu - disposed of - Orders issued. C3

TRANSPORT (B) DEPARTMENT

G.O(Rt)No.127/12/Tran.

Dated, Thiruvananthapuram, 13.3.2012.

- Read:-
1. G.O.(P))No. 63/2011/Tran dated, 28.11.11.
  2. Memorandum of objection dated, 20.11.11 filed by Shri.Lawrance Babu, General Secretary, The Kerala State Private Bus Operators Federation.
  3. Memorandum of objection dated, 17.1.12 filed by Shri.Johnson Padamadan, President, Kerala Bus Transport Association.

ORDER

As per the Government Order read above, Government have amended the notification issued under G.O.(P))No. 15//2010/Tran dated, 6.3.2010 and published as SRO No.222/2010 so as to avail of students' travel concession facility in stage carriages during the entire period of the various educational courses mentioned therein, including all holidays.

2. In the Memorandum of objection filed as per papers read as 2<sup>nd</sup> and 3<sup>rd</sup> above S/Sri.Lawrance Babu and Johnson Padamadan challenged the validity of the said amendment without issuing a preliminary notification calling for objections.

3. As requested in the memoranda the petitioners were heard by the Deputy Secretary on 25.2.2012.

4. The grounds urged by Shri.Lawrance Babu in his objection petition and during the course of hearing are;

1) that the notification issued as per GO(P) 63/2011/Trans dated 28/11/2011 runs contra to the observation contained in GO(Rt) No GO(Rt) 1324/90/PW&T dated 18/09/90 wherein it is not intended to provide concession to students on

holidays also as Educational Institutions are not working on holidays.

II) that there is ambiguity in the notification which appears that Independence day, Republic day and Gandhi Jayanthi are not public holidays and it is not clear whether the Government intends to provide concession to students on holidays such as Independence day, Republic day and Gandhi Jayanthi or to provide concession on all holidays.

III) that the notification issued under GO(P) 15/2010/Trans dated 06/03/10 does not contain the words "during the entire period of such course" and therefore the amended notification GO(P)63/2011/Trans dated 28/11/11 is totally wrong.

IV) that the Transport Commissioner issued Circular No.C3/17102/TC/2011 to the Motor Vehicle Department Officials to provide travel concession to students during Sundays and holidays considering the representation dated 12/8/11 from Shri.K.K.Balakrishnan, LLM Advocate and Notary who is not an aggrieved party in the matter.

V) that the petitioner has not given an opportunity of filing objection before issuing the notification in question and therefore it shall be taken as a preliminary notification and that final notification shall be issued after considering the objection.

5. In the objection petition filed by Johnson Padamadan it is contended that the notification issued under GO(P) 63/11/Trans dated 28/11/2011 contravenes the order issued in GO(Rt) No.1324/90/PW&T dated 18/09/90 which provides for concession to students for their journey from home to the Educational Institution for the purpose of study and that the notification in question was issued before calling for objection and without allowing hearing to the affected parties. During the course of hearing the petitioner has also put forth the following arguments.

- I)The KSRTC is not providing concession to students in Thiru- Kochi, Venad and Malabar Services.
- II)In KSRTC buses concession is given only for 25 days in a month.
- III)There are no classes on holidays and the only classes on Sundays are for religious purposes.
- IV)Students concession tickets were not intended on holidays prior to the issuance of the notification dated 28/11/11.

6. It has also been requested to give necessary instructions to insist upon



the Concession Card issued by the Student Travel Facility Committee for availing of Concession.

7. The contentions of the petitioners have been examined. Government had issued guidelines in GO(Rt) 1324/90/PW&T dated 18/09/90 on granting the concession to the students and the procedure for issuing Identity / Concession Cards to students to avail of the concession facility through the Students Travel Facility Committee which authorizes the RTO to issue the Concession / Identity Cards. Nowhere in the said guidelines it is stated that concession will be available only for particular days. Whereas it is clearly mentioned that each students will be permitted two journeys per day and they would produce the Identity Card issued by the Student Travel Facility committee, before the conductor while traveling in Bus and demanding concession in fare. It is distinct from the notification issued as per GO(P) No.15/2010/Trans dated 06/03/10 that the opening sentence contain the words "during the entire period of such course". There is no ambiguity as alleged by the petitioners when the amendment is taken into account. The words inserted by the amendment viz.including all holidays after the words "during the entire period of such course" in the opening sentence under the sub heading I students concession under the heading DIRECTIONS in the notification issued under GO(P) 15/10/Trans dated 6/3/10 makes it clear that the concession journey will be available to the students during the entire period of the courses including all holidays without causing any ambiguity whether they are eligible for concession on holidays. The explanatory note to the notification further contemplates the intention of Government to provide concession to students on holidays including Independence day, Republic day and Gandhi Jayanthi.

8. Regarding the arguments that concession is not provided in the Thiru-Kochi, Venad and Malabar Services of the KSRTC and that the KSRTC gives concession for 25 days only in a month it can be seen that the Thiru kochi, Venad and Malabar services are Town to Town services and that journey at concessional rate is allowed for 25 days irrespective of a particular day being a working day or a holiday.

9. The notification under challenge has been issued as directed by the Hon'ble High Court during the hearing of WP(C)No, 28176 of 2011 filed by Kerala State Pvt.Bus Operators Federation and Shri Lawrance Babu the 1st petitioner herein and WP(C) No.28290 of 2011 filed by All Kerala Bus Operators Organisation and T.Gopinathan whereby they challenged Letter No.C3/17102/TC/2011 dated 3/10/11 issued by the Transport Commissioner

addressed to all the DTCs, RTOs and Jt.RTOs clarifying that students can avail travel concession facility on holidays too. By issuing the notification in question Government have only clarified that the students are eligible for concession facility on holidays also so as to avoid disputes on the question of granting concession on holidays. The petitioner also failed to produce any Government Order / Notification specifying the ban on concession journey of students on holidays, in support of their argument. Actually it was the misconception of the private stage carriage operators that students were not eligible for concession journey on holidays.

10. Regarding the request of Shri.Johnson Padamadan to insist the Concession Card issued by the Student Travel Facility Committee to avail of concession Government order that the Transport Commissioner will give instruction to all the RTOs to issue concession cards as provided for in GO(Rt) No.1324/90/PW&T dated 18/09/90 and that any card other than that issued by the RTO who is authorised to issue such cards by the Student Travel Facility Committee will not be entertained for availing concession tickets by the students in stage carriages.

11. In the above circumstances there is no illegality or infirmity in the notification issued as per the Government Order read above and published as SRO No.748/2011. The memorandum of objection filed by the petitioners are unsustainable in law and hence they are rejected.

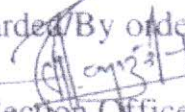
By Order of the Governor,

Sreekumar. N.K.

Deputy Secretary to Government.

To

Shri.Lawarance Babu, General Secretary,  
The Kerala State Private Bus Operators Federation.  
Shri.Johnson Padamadan, President,  
Kerala Bus Transport Association.  
✓ The Transport Commissioner, Thiruvananthapuram.  
SF/OC

Forwarded By order,  
  
Section Officer.