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PROCEEDINGS OF THE TRANSPORT COMMISSIONER (IN CHARGE)

Present: Shri.S. Pulikesi, IPS.,
Inspector General of Police,
Additional Transport Commissioner.

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Sub:- M.Vs.- Motor Driving School Vehicles - Painting in
Yellow Cream - OP filed -

- Ref:-
1. Letter No.C1/8528/TC/98 Dated 21..8..1998 of
Transport Commissioner, Thiruvananthapuram.
 2. Judgement dated 23.10.98 in OP No.20491/98 of
the Hon'ble High Court of Kerala, filed by
Sri.PV. Joseph, Secretary, All Kerala Motor
Driving School Workers Welfare Association.
 3. Hearing Notice Dtd.9..12..98, 21..12..98 and
29..12..98.
 4. This Office letter of even No.Dated: 17..12..98.

Order No.C1/8528/TC/98 Dated: 23..4..1999.

Representation was received from Sri.S. Ramesh, Medayil House, Kollam stating that the Motor Driving School Vehicles are misusing the vehicles. The matter was enquired into and as per the letter first cited directions were issued to all subordinate officers that all the vehicles used for imparting Training in driving must be painted in cream yellow and the details of school should be displayed on the sides of the body in a distinguished colour. Against these directions Sri.PV. Joseph filed OP No.20491/98 before the Hon'ble High Court of Kerala.

By the judgement dated 23.10.1998 the Hon'ble High Court disposed off the O.P permitting the petitioner to make a detailed representation against Ext.P3 (ie. the letter 1st cited) and directing the Transport Commissioner to consider the same and pass appropriate orders in accordance with law with notice to the petitioner. The Court has further held that till a decision is taken, by the Transport Commissioner as aforesaid Ext.P3 (the letter 1st cited) would be kept in abeyance. Accordingly, as per the letter 4th cited, directions were issued to the subordinate authorities to keep in abeyance the directions issued by the Transport Commissioner on 21..8..1998.

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The petitioner has submitted a detailed representation dated 7.1.1998 before the Transport Commissioner. The petitioner was also heard in person on 13.1.1999.

The main contentions of the petitioner are that neither rule 24 (3) (v) nor rule 27 (h) of the CMV Rules makes any provision for painting Motor Driving School Vehicles in a particular colour. Further rule 290 of the KMV Rules, will not apply to Motor Driving School Vehicles. It is also the contention of the petitioner that there is no provision either in the M.V. Act or the rules made thereunder requiring Motor Driving School Vehicles to be painted in cream yellow and as such there is no power conferred on the authorities to insist for painting such vehicles in cream yellow.

The matter is examined in detail with reference to the provisions of the M.V. Act and the Rules made thereunder and it appears to me that there is much force in the contentions of the petitioner. In view of the above, it is decided to withdraw the directions issued in this office letter No. C1/8523/TC/98 Dated 21.8.1998.

Sd/-
Transport Commissioner.

To

Shri.PV. Joseph, Secretary,
All Kerala Motor Driving School Workers Welfare
Association, Thazhampallathu, Grillgal, Palichachira,
Changanacherry.

Copy to: All Deputy Transport Commissioners,
Regional Transport Officers and Joint
Regional Transport Officers.

" CA to Addl.TC, Secretary, STA, Senior Deputy
Transport Commissioner (Taxation)

Approved for issue,

Senior Deputy Transport Commissioner,
(Taxation)

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