



GOVERNMENT OF KERALA

Abstract

Transport Department - Issue and renewal of permits to the Private stage carriage operators - G.O(MS)No. 45/2015/Tran dated 20.08.2015 - Cancelled - Orders issued.

DEPARTMENT

G.O.(Ms)No.22/2020/TRANS Dated,Thiruvananthapuram, 01/07/2020

Read G.O(MS)No. 45/2015/Tran. dated 20.08.2015

ORDER

As per G.O (P) No. 73/2013/Tran. dated 16/07/2013 published as SRO No. 555/2013, Government of Kerala have issued a scheme for the operation of Super Class services exclusively for Kerala State Road Transport Corporation u/s 100 (2) of Motor Vehicles Act 1988. As per the Scheme Fast Passenger, Super Fast Services, Super Deluxe Services and other Super Class services to be run and operated in the State of Kerala exclusively by the Kerala State Road Transport Corporation. As per Clause 3 of the Notification, permit issued in the private sector on or before the date of notification shall be allowed to continue till the date of expiry of the respective permits, there after no permit shall be renewed or no regular/temporary permit shall be issued. The above scheme was challenged by the private operators before the Hon'ble High Court of Kerala and the Writ Petitions were dismissed in Kerala State Limited Stop/Stage Carriage Operators Association Vs Government of Kerala 2014 (2) KLT 135 against which private operators filed Writ Appeal 661/2014 and connected case before the Hon'ble High Court and stay was not granted. The Kerala State Road Transport Corporation had started about 240 number of services in the place of private operators which were being operated as Superclass service, consequent of the takeover of these permits so many private stage carriage permits were rejected by the Transport Authorities on the basis of Clause (4) of the SRO No. 608/2009 and Rule 2 (oa) of the Kerala

Motor Vehicle Rule 1989. In the above circumstances private operators approached the Government, and the Government of Kerala issued G.O (MS) No. 45/2015/Tran. dated 20.08.2015 by which it was directed to issue permit as Ordinary Limited Stop services to those private stage carriage operators who were. operating Fast Passenger and other Super Class services. The above said Government Order was only a temporary measure, and as per the order itself Transport Commissioner and Managing Director, Kerala State Road Transport Corporation were required to forward necessary proposal for amending the scheme and Kerala Motor Vehicles Rules. Subsequently the Kerala Motor Vehicles Rules was amended. Rule 2(oa) was incorporated giving definition to Ordinary Limited Stop service with a prescription of maximum 140 K.M.

G.O (P) No. 45/2015/Tran dated 20.08.2015 was issued subject to the final decision of the cases pending before the Hon'ble High Court at that time. Subsequently, such cases were dismissed by the Hon'ble High Court in Mohan Kumar Vs Government of Kerala and another, reported in 2016 (2) KLT 963. Therefore, the private operators have no right to continue to operate on the routes having route length above 140 KMs.

Government have examined the matter in detail. Right of STU and private operators have to be governed by the Scheme which is prevailing and operating at any point of time. G.O (P) No. 45/2015/Tran dated 20.08.2015 is not in consonance with statutory provisions of Motor Vehicles Act 1988, read with Clause (d) of Rule 246 of Kerala Motor Vehicles Rules 1989. The above G.O cannot prevail over or co-exist with statutory scheme and Rule.

In the circumstances, Government consider it appropriate to withdraw G.O (P) No. 45/2015/Tran dated 20.08.2015 read above and it is hereby withdrawn with immediate effect.

(By order of the Governor)
K R JYOTHILAL
PRINCIPAL SECRETARY

To:


The Transport Commissioner, Thiruvananthapuram.

The Managing Director, KSRTC, Thiruvananthapuram

I&PRD

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Forwarded /By order


Section Officer