

No.D1-247/STA/99

Head Office,
Motor Vehicles Dept.,
Thiruvananthapuram,
Dated, 11-01-1998.

From

K.J. Joseph, IPS,
Additional Director General of Police,
Transport Commissioner.

To

The Deputy Transport Commissioner,
(Law), Ernakulam.

Sir,

Sub:- Appeals before STAT - follow up and liaison -
reg.

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It is come to my notice that most of the appeals filed before the STAT Ernakulam, especially by stage carriage operators, result in verdicts against the decisions of the RTA/STA. On a review of the position it is disclosed that one of the reasons for this unsatisfactory state of affairs is the lack of follow up of such appeals by officers of this Department, the other reason being lack of enthusiasm on the part of the Standing Counsel. I understand that in most cases the true position regarding the decision taken by the RTA as well as the background leading to such decisions are not brought to the notice of the STAT, as a result of which the tribunal is often compelled to arrive at a decision purely on the basis of the materials provided by the appellants. With a view to improve the state of affairs, the following instructions are issued.

- (1) As in the case of appeals before the Hon'ble High Court of Kerala, the DTC (Law) Ernakulam will be responsible for liaison between the Standing Counsel and various RTAs/STA.
- (2) Whenever an appeal is filed in the STAT the Standing Counsel will take notice and inform the respondents (officials) immediately through the office of the Deputy Transport Commissioner (Law) Ernakulam.
- (3) DTC (Law) will detail an official to meet the Standing Counsel in the court of STAT between 11 a.m. and 1 p.m. on all working days and collect information required to be conveyed to various officials. He will also make arrangements to convey all such messages over telephone. Whenever the presence of officers of RT/SRT Offices is required at Ernakulam to brief the Standing Counsel, DTC (Law) will be competent to direct such officers to go over to Ernakulam.

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- (4) Dy. TC (Law) will be responsible for conveying to the Standing Counsel copies of relevant orders issued by this Head Office and decisions taken by the State Transport Authority.
- (5) It is desirable that formal counter affidavits are filed by or on behalf of respondents as is done in the Hon'ble High Court of Kerala. To enable this, the Motor Vehicle Inspector, Flying Squad, Ernakulam Zone will be authorised to sign counter affidavits on behalf of all officers of the rank of RTO and below (proceedings to this effect will be issued from this office separately).
- (6) RTAs may by resolution authorise the Motor Vehicle Inspector, Flying Squad, Ernakulam Zone, to sign Counter affidavits on behalf of the RTAs.
- (7) Filing of appeals which have statewide ramification will be brought to the notice of the Head Office by DTC (Law).
- (8) A Register of Appeals filed before the STAT will be maintained in the office of the DTC (Law) Ernakulam by collection of details from the Standing Counsel/ Court as instructed in Sl. No. (2) above on the lines of the O.F. Register in respect of the Hon'ble High Court.
- (9) Decisions of the STAT which require immediate compliance by RTA/STA or any officer of this Dept. will also be communicated to the concerned by the DTC, on being informed by the Standing Counsel.

You are requested to make the above arrangements immediately, after discussions with the Standing Counsel. It is expected that the fair and proper decisions taken by the RTAs/ STA as well as officers of this Dept. will be up held in appeal in future instead of their being reversed due to lack of information available to the Tribunal.

Yours faithfully,


Transport Commissioner.

Copy to all RTOs and Sub RTOs, who are requested to respond quickly to instructions received from DTC (Law) regarding the appeals filed before STAT.

- " Secretary, RTAs for placing the item in (6) above for consideration of the RTA.
- " CA to TC, Addl. TC, Secretary, STA, Sr. DTC (Taxation).
- " Sri.K.Radhakrishnan, Advocate, Standing Counsel, STAT, Ernakulam (with CL).

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