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No. L2-3463/T C/96

Office of the  
Transport Commissioner,  
Thiruvananthapuram,  
Dated: 4.6.1996.

CIRCULAR NO: 12/96.

- Sub: M.Vs. Timing conference of Private route Buses -  
conducted by concerned Joint R.T.Os in place of  
R.T.Os concerned - discontinued further direction  
issued - reg -
- Ref: Representation from General Secretary of Kerala  
State Private Bus Operators Federation dt.14.3.96  
addressed to Transport Secretary, Government of  
Kerala, Thiruvananthapuram.

According to rule 212 (3) of the Kerala Motor Vehicles  
Rules 1989 the State Transport Authority or the Regional Trans-  
port Authority may by resolution delegate to its secretary the  
powers conferred on it under this rule subject to any conditions  
that it may prescribe. Accordingly all the Regional Transport  
Authorities delegated their powers to the Secretaries concerned  
to settle the timings.

While the above responsibility rests with the Regional  
Transport Officer, it has come to the notice that some Joint  
Regional Transport Officers have conducted timing conferences  
in certain places. The power to prescribe a schedule of timings  
could be exercised only by the Secretary, of the Regional  
Transport Authority as per the delegation of powers to them.

The Honourable High Court of Kerala in a recent decision  
reported in 1991 (2) of KLT:502 has observed as follows:-  
"that the power to prescribe a schedule of timings for a  
stage carriage can be exercised only by the Secretary of the  
Regional Transport Authority who has been given the power on  
delegation by the Transport Authority by passing a resolution  
to that effect. The Joint R.T.O. who is not the Secretary to  
the Regional Transport Authority cannot exercise the power of  
prescribing the schedule of timings. Consequently he is not to  
convene a timing conference either. The Secretary, Regional  
Transport Authority is seen to have endorsed the decision  
taken by the Joint R.T.O. This is not a proper exercise of  
power. It is also clarified that the Secretary, R.T.A. who is  
a delegate of R.T.A., is not to delegate his power to another  
officer. It is a trite law that a delegate cannot further  
delegate".

In view of the above observation of the Hon'ble High  
Court of Kerala all the RTOs are directed to comply with the  
stand taken by the Hon'ble High Court and to ensure that the  
joint R.T.Os do not conduct timing conference in future. The  
above directions will come into force with immediate effect.

The receipt of this circular should be acknowledged.

Sd/-

TRANSPORT COMMISSIONER.

Copy to all Dy. Transport Commissioners.  
" all RTOs Joint RTOs and M.V.Is.  
Approved for Issue.

Junior Superintendent.