



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

OP(KAT) NO. 491 OF 2023

AGAINST THE JUDGMENT DATED 20.07.2023 IN OA (EKM) NO.440 OF 2022
OF KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM

PETITIONERS/APPLICANTS:

- 1 VINOD KUMAR T.R, AGED 46 YEARS
S/O.K.S.RAGHAVAN, HEAD ACCOUNTANT,
SUB REGIONAL TRANSPORT OFFICE,
NORTH ARAVOOR P.O, PERUMPADANNA,
ERNAKULAM, RESIDING AT VINOD BHAVAN,
UDAYATHINVATHIL, PANANGAD P.O.
ERNAKULAM, KOCHI, PIN - 682506
- 2 ASHA GOPINATH, AGED 48 YEARS
D/O.GOPINATHAN NAIR, JUNIOR SUPERINTENDENT,
REGIONAL TRANSPORT OFFICE, CIVIL STATION,
KAKKANAD P.O. ERNAKULAM -682030,
RESIDING AT B4/945, REVATHI,
EDAPPALLY P.O, ERNAKULAM, KOCHI, PIN - 682024
- 3 PREM KUMAR P.G,
AGED 43 YEARS
S/O.GOPINATH, SENIOR CLERK, REGIONAL TRANSPORT OFFICE,
CIVIL STATION, KAKKANAD P.O.ERNAKULAM -682030, RESIDING
AT PREM NIVAS, VALLEKUNNAM, EDAPPALLY NORTH P.O.
ERNAKULAM, KOCHI, PIN - 682024



BY ADVS.
KALEESWARAM RAJ
THULASI K. RAJ
SILPA SREEKUMAR

RESPONDENTS:

- 1 THE STATE OF KERALA ,
REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
MOTOR VEHICLES DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 TRANSPORT COMMISSIONERATE,
REPRESENTED BY TRANSPORT COMMISSIONER,
TRANS TOWER, VAZHUTHACAUD, THYCAUD
P.O., THIRUVANANTHAPURAM, , PIN - 695014
- 3 TRANSPORT COMMISSIONER,
TRANSPORT COMMISSIONERATE, TRANS TOWER, VAZHUTHACAUD,
THYCAUD P.O. THIRUVANANTHAPURAM, PIN - 695014
- 4 BIJOY PETER, AGED 42 YEARS
S/O.K.V.PETER, MOTOR VEHICLES INSPECTOR,
OFFICE OF THE ENFORCEMENT RTO,
CIVIL STATION, KAKKANAD,
ERNAKULAM-682030,
RESIDING AT KOODARAPALLIL,
THOMASPURAM, MARAUD P.O.,
ERNAKULAM, PIN - 682304
- 5 KERALA MOTOR VEHICLES DEPARTMENT,
GAZETTED OFFICERS ASSOCIATION V/610, UNICHIRA,
EDAPPALLY, THRIKKAKARA P.O, ERNAKULAM-682030,
REPRESENTED BY ITS GENERAL SECRETARY A.S.VINOD,
WORKING AS MOTOR VEHICLE INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE,
PATHANAPURAM, KOLLAM -689695,
RESIDING AT VIJAYA NIVAS,
MULAVANA P.O, KOLLAM, PIN - 691503
- 6 MANOJ KUMAR G, AGED 49 YEARS



S/O.GANGADHARAN, N.D.MOTOR VEHICLE INSPECTOR,SUB
REGIONAL TRANSPORT OFFICE,THRIPUNITHURA,
ERNAKULAM DISTRICT-682305,RESIDING AT ASWATHY
NO.32/1008,NETTAYIKODATH ROAD,
PALARIVATTOM,KOCHI, PIN - 682025

SRI.A.J.VARGHESE, SR.GP

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY
HEARD ON 13.03.2025, ALONG WITH OP(KAT)No.394/2023, 416/2023,
443/2023, 490/2023, 517/2023, 560/2023, 9/2024 AND 17/2024, THE
COURT ON 10.04.2025 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

OP(KAT) NO. 9 OF 2024

AGAINST THE ORDER/JUDGMENT DATED 20.07.2023 IN OA (EKM)
NO.424 OF 2022 OF KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM

PETITIONERS/APPLICANTS 1 & 2:

- 1 MANURAJ.R, AGED 42 YEARS,
S/O. P.RAMACHANDRAN,
HEAD CLERK,
SUB REGIONAL TRANSPORT OFFICE,
PERUMPADANNA, NORTH PARUR P.O,
ERNAKULAM DISTRICT,
PIN: 783513,
RESIDING AT SREENIVAS, AROOR P.O,
ALAPPUZHA DISTRICT,
PIN - 688534
- 2 BIJU M.S, AGED 45 YEARS
S/O. SUKUMARAN M.R,
JUNIOR SUPERINTENDENT,
SUB REGIONAL TRANSPORT OFFICE,
ALUVA, ERNAKULAM DISTRICT,
PIN: 683101,
RESIDING AT MOOZHZYIL HOUSE,
POONJAR SOUTH P.O, KOTTAYAM,
PIN - 686582



BY ADVS.
T.R.RAJESH
NANDANA SASI

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
TRANSPORT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695014
- 2 THE TRANSPORT COMMISSIONER,
TRANSPORT COMMISSIONERATE,
2ND FLOOR, TRANS TOWERS,
VAZHUTHACAUD, THIRUVANANTHAPURAM,
PIN - 695014
- 3 BIJOY PETER, AGED 42 YEARS
S/O. K.V. PETER, MOTOR VEHICLES INSPECTOR,
OFFICE OF THE ENFORCEMENT R.T.O.,
CIVIL STATION, KAKKANAD,
ERNAKULAM-682030,
RESIDING AT KOODARAPPALLIL,
THOMASPURAM, MARADU P.O,
ERNAKULAM, PIN - 682304
- 4 KERALA MOTOR VEHICLES DEPARTMENT GAZETTED OFFICERS
ASSOCIATION V/610, UNICHIRA,
EDAPPALLY, THRIKKAKARA P.O,
ERNAKULAM-682021, REPRESENTED BY ITS
GENERAL SECRETARY,
A.S. VIONOD, WORKING AS MOTOR VEHICLE INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE,
PATHANAPURAM,
KOLLAM DISTRICT-689695,
RESIDING AT VIJAYA NIVAS, MULAVANA P.O,
KOLLAM, PIN - 691503



- 5 MANOJ KUMAR.G, AGED 49 YEARS
 S/O. GANGADHARAN.N.D, MOTOR VEHICLE INSPECTOR,
 SUB REGIONAL TRANSPORT OFFICE,
 THRIPIUNITHURA, ERNAKULAM DISTRICT-682305,
 (RESIDING AT ASWATHY, NO.32/1008,
 NETTAYIKODATH ROAD,
 PALARIVATTOM, KOCHI,
 ERNAKULAM, PIN - 682025

 SRI.A.J.VARGHESE, SR.GP

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY
HEARD ON 13.03.2025, ALONG WITH OP(KAT).491/2023 AND CONNECTED
CASES, THE COURT ON 10.04.2205 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

OP(KAT) NO. 17 OF 2024

AGAINST THE ORDER DATED 20.07.2023 IN OA (EKM) NO.232 OF 2022

OF KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM

PETITIONERS/APPLICANT IN THE OA:

- 1 ARCHANA.V, AGED 47 YEARS
JUNIOR SUPERINTENDENT, REGIONAL TRANSPORT OFFICE,
CIVIL STATION, KAKKANAD, ERNAKULAM-682030.
('NIVEDA' , H.NO.82, GANDHIJAYANTHI ROAD,
THAMMANAM, KOCHI, PIN - 682032
- 2 SUNIMOL P.T, AGED 50 YEARS
W/O.SHRI.K.G.SAJAN, JUNIOR SUPERINTENDANT,
SUB REGIONAL TRANSPORT OFFICE,
TRIPUNITHURA, ERNAKULAM-682301.
(THENKUZHI HOUSE, MUPPATHADAM,
ALUVA, ERNAKULAM, PIN - 683110
- 3 BINU VARGHESE, AGED 43 YEARS
S/O.SHRI.K.O.VARGHESE, SENIOR CLERK,
SUB REGIONAL TRANSPORT OFFICE,
N.PARAVUR, ERNAKULAM-683 512.
(KACHAPILLY HOUSE, CHENDAMANGALAM,
N.PARAVUR, ERNAKULAM, PIN - 683512
- 4 CHITHIRA C.D, AGED 34 YEARS
W/O.SHRI.ABHILASH C.G, CLERK,



SUB REGIONAL TRANSPORT OFFICE,
N.PARAVUR, ERNAKULAM-683512.
(CHETTIPARAMBIL HOUSE, THATHAPILLY,
ERNAKULAM, PIN - 683520

BY ADVS.
B.RAGHUNATHAN
M.SALIM
DR.STANLY CHAZHOOR
R.SRINATH
K.JALADHARAN
V.M.JACOB

RESPONDENTS/RESPONDENTS IN THE OA:

- 1 STATE OF KERALA, REPRESENTED BY
PRINCIPAL SECRETARY TO GOVERNMENT,
TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
 - 2 TRANSPORT COMMISSIONER,
TRANS TOWERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM, PIN - 695014
- SRI.A.J.VARGHESE, SR.GP

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY
HEARD ON 13.03.2025, ALONG WITH OP(KAT).491/2023 AND CONNECTED
CASES, THE COURT ON 10.04.2025 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

OP(KAT) NO. 394 OF 2023

AGAINST THE ORDER DATED 20.07.2023 IN OS (EKM) 454 OF 2022 OF

THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM

PETITIONERS/APPLICANTS:

- 1 SANDOSH KUMAR.V.V, AGED 49 YEARS
SON OF VASUDEVAN NAIR, WORKING AS JUNIOR
SUPERINTENDENT, RT OFFICE,
MUVATTUPUZHA, RESIDING AT VAIKATTU HOUSE,
CHERUKUNNAM, ASAMANOOR.P.O.,
ERNAKULAM, PIN - 683549
- 2 ANTONY FULTON SHEEN, AGED 46 YEARS
S/O. AUGUSTINE.K.A, WORKING AS HEAD CLERK,
RT OFFICE, ERNAKULAM, RESIDING AT KALANGARA,
OCHENTHURUTHU.P.O., KOCHI, PIN - 682508
- 3 NELSON LOPEZ, AGED 46 YEARS
SON OF JOHNNY LOPEZ, WORKING AS SENIOR CLERK,
RT OFFICE, ERNAKULAM,
RESIDING AT THUNDIPARAMBIL HOUSE,
JANAKIYA ROAD, VADUTHALA.P.O., KOCHI., PIN - 680023

BY ADVS.

N.KRISHNA PRASAD

P.SHANES METHAR



RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA,
 REPRESENTED BY ITS SECRETARY,
 DEPARTMENT OF TRANSPORT GOVERNMENT SECRETARIAT,
 THIRUVANANTHAPURAM, PIN - 695001

- 2 TRANSPORT COMMISSIONER,
 TRANS TOWERS, VAZHUTHACAUD POST,
 THIRUVANANTHAPURAM, PIN - 695004

- 3 BIJOY PETER,, AGED 42 YEARS
 S/O.K.V.PETER, MOTOR VEHICLES INSPECTOR,
 OFFICE OF THE ENFORCEMENT R.T.O,
 CIVIL STATION, KAKKANAD,
 ERNAKULAM-682030, RESIDING AT KOODARAPALLIL,
 THOMASPURAM, MARADU.P.O.,
 ERNAKULAM., PIN - 682304

- 4 KERALA MOTOR VEHICLES DEPARTMENT GAZETTED OFFICERS
 ASSOCIATION ,
 V/610, UNICHIRA, EDAPALLY,
 THRIKKAKARA.P.O., ERNAKULAM-682021,
 REPRESENTED BY ITS GENERAL SECRETARY,
 A.S.VINOD, WORKING AS MOTOR VEHICLE INSPECTOR,
 SUB REGIONAL TRANSPORT OFFICE,
 PATHANAPURAM, KOLLAM DISTRICT-689695
 RESIDING AT VIJAYA NIVAS, MULAVANA.P.O.,
 KOLLAM, PIN - 691503

- 5 MANOJ KUMAR.G, AGED 49 YEARS
 S/O.GANGADHARAN, N.D.MOTOR VEHICLE INSPECTOR,
 SUB REGIONAL TRANSPORT OFFICE,
 THRIPUNITHURA, ERNAKULAM DISTRICT-682305,
 RESIDING AT ASWATHY, NO.32/1008,
 NETTAYIKODATH ROAD, PALARIVATTOM,
 KOCHI, ERNAKULAM., PIN - 682025

BY ADVS.

P.MOHANDAS (ERNAKULAM)



LAKSHMI RAMADAS
K.R.GANESH
K.SUDHINKUMAR(K/572/2014)
SABU PULLAN(K/35/2001)
GOKUL D. SUDHAKARAN(K/000886/2016)
R.BHASKARA KRISHNAN(K/000891/2016)
BHARATH MOHAN(K/1392/2020)
K.P.SATHEESAN (SR.) (S-242)
SREEDHAR RAVINDRAN(K/559/2012)
ELVIN PETER P.J. (SR.)
GOURI BALAGOPAL
SREELEKSHMI A.S.
SRI.A.J.VARGHESE, SR.GP

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY
HEARD ON 13.03.2025, ALONG WITH OP(KAT).491/2023 AND CONNECTED
CASES, THE COURT ON 10.04.2025 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

OP(KAT) NO. 416 OF 2023

AGAINST THE ORDER DATED 20.07.2023 IN OA (EKM) NO.432 OF 2022

OF KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM

PETITIONERS/APPLICANTS IN THE OA:

- 1 MANOJ MOHAN, AGED 48 YEARS
S/O K. MOHANAN, JUNIOR SUPERINTENDENT,
REGIONAL TRANSPORT OFFICE,
KASARAGODE, PIN-671 123,
RESIDING AT KOTTAPPALLIL HOUSE,
PUNNAPRA P.O., ALAPPUZHA, KERALA., PIN - 680004
- 2 RETHEESH R. , AGED 39 YEARS
S/O RAMACHANDRAN PILLAI, HEAD CLERK,
REGIONAL TRANSPORT OFFICE,
KAKKANAD, ERNAKULAM-682 030,
RESIDING AT SREESIVA, CHOTTANIKKARA P.O.,
ERNAKULAM, KERALA., PIN - 682312
- 3 SATHISH VARMA , AGED 47 YEARS
S/O K. GODA VARMA (LATE), SENIOR CLERK,
REGIONAL TRANSPORT OFFICE, KAKKANAD,
ERNAKULAM-682 030, RESIDING AT 6-3,
THRIPPADAM APARTMENTS, TRIPUNITHURA,
ERNAKULAM, KERALA., PIN - 682301

BY ADV S.RAMESH



RESPONDENTS/RESPONDENTS IN THE OA:

- 1 STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, KERALA., PIN - 695001
- 2 THE SECRETARY TO GOVERNMENT ,
TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, KERALA., PIN - 695001
- 3 THE TRANSPORT COMMISSIONER,
OFFICE OF THE TRANSPORT COMMISSIONER,
THIRUVANANTHAPURAM, KERALA., PIN - 695001
- 4 BIJOY PETER , AGED 42 YEARS
S/O K.V.PETER, MOTOR VEHICLES INSPECTOR,
OFFICE OF THE ENFORCEMENT R.T.O.,
CIVIL STATION, KAKKANAD, ERNAKULAM-682 030,
RESIDING AT KOODARAPALLIL, THOMASPURAM,
MARADU P.O., ERNAKULAM., PIN - 682304
- 5 KERALA MOTOR VEHICLES DEPARTMENT GAZETTED OFFICERS
ASSOCIATION ,
V/610, UNICHIRA, EDAPALLY,
THRIKKAKARA P.O., ERNAKULAM-682 021,
REPRESENTED BY ITS GENERAL SECRETARY,
A.S. VINOD, WORKING AS MOTOR VEHICLE INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE,
PATHANAPURAM, KOLLAM DISTRICT-689 695,
RESIDING AT VIJAYA NIVAS,
MULAVANA P.O., KOLLAM., PIN - 691503
- 6 MANOJ KUMAR G. , AGED 49 YEARS
S/O GANGADHARAN N.D., MOTOR VEHICLE INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE,
THRIPUNITHURA, ERNAKULAM DISTRICT-682 305,
RESIDING AT ASWATHY, NO. 32/1008,
NETTAYIKODATH ROAD, PALARIVATTOM,
KOCHI, ERNAKULAM., PIN - 682025



BY ADVS.
APARNA RAJAN
SREEDHAR RAVINDRAN(K/559/2012)
SRI.A.J.VARGHESE, SR.GP

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY
HEARD ON 13.03.2025, ALONG WITH OP(KAT).491/2023 AND CONNECTED
CASES, THE COURT ON 10.04.2025 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

OP(KAT) NO. 443 OF 2023

AGAINST THE ORDER DATED IN OA (EKM) NO.414 OF 2022 OF KERALA

ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM

PETITIONERS/APPLICANTS:

- 1 SARITHA P.K. ,
NOW AGED 50 YEARS , D/O P.A.KUTTAN,
JUNIOR SUPERINTENDENT,REGIONAL TRANSPORT
OFFICE,KAKKANAD, ERNAKULAM, PIN-682030,
RESIDING AT PLAVIDAPARAMBIL HOUSE,
SREEMOOLANAGARAM P.O. ,
ERNAKULAM, PIN - 683580
- 2 RENJU MATHEW, AGED 43 YEARS
W/O K.J. MATHEW,HEAD ACCOUNTANT,
SUB REGIONAL TRANSPORT OFFICE,
THRIPPUNITHURA, ERNAKULAM DISTRICT, PIN-682 301,
RESIDING AT KUNNAPPALLY HOUSE,
EAST OF S.N.KAVALA, MUHAMMA P.O. ,
ALAPPUZHA DISTRICT, PIN - 688525

BY ADVS.
S.P.ARAVINDAKSHAN PILLAY
N.SANTHA
V.VARGHESE
PETER JOSE CHRISTO



S.A.ANAND
K.N.REMYA
L.ANNAPOORNA
VISHNU V.K.
ABHIRAMI K. UDAY

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY THE SECRETARY
TO GOVERNMENT TRANSPORT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 TRANSPORT COMMISSIONER,
TRANS TOWERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM, PIN - 695014

SRI.A.J.VARGHESE, SR.GP

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY
HEARD ON 13.03.2025, ALONG WITH OP(KAT).491/2023 AND CONNECTED
CASES, THE COURT ON 10.04.2025 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

OP(KAT) NO. 490 OF 2023

AGAINST THE ORDER DATED 20.07.2023 IN OA (EKM) NO.423 OF 2022

OF KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM

PETITIONERS:

- 1 SHIBU V.J., AGED 43 YEARS
S/O JOSE V.D., SENIOR CLERK,
SUB REGIONAL TRANSPORT OFFICE,
ANKAMALY, ERNAKULAM,
RESIDING AT VAILIKULAM HOUSE, BYEPASS ROAD,
KALLETUNKARA P.O.,
THRISSUR, PIN - 683572
- 2 JOHN C.F., AGED 41 YEARS
S/O C.A. FRANCIS, PUBLIC RELATIONS OFFICER,
REGIONAL TRANSPORT OFFICE, THRISSUR,
RESIDING AT CHITTELAPPALLY HOUSE,
PARAPPUR P.O., THRISSUR, PIN - 680552
- 3 JAYASHANKER S. , AGED 42 YEARS
S/O N.SIVASANKARAN NAIR, HEAD ACCOUNTANT,
SUB REGIONAL TRANSPORT OFFICE, ANKAMALY,
RESIDING AT AMBADI, MANNAKKAL,
THIRUPURAM P.O., NEYYATTINKARA,
THIRUVANANTHAPURAM, PIN - 695133



BY ADVS.
NAVEEN.T
SHIBU JOSEPH KOTTAYIL
CHITHRA CHANDRASEKHARAN
V.S.ABHISHEK
BIJI A MANIKOTH

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED
BY THE CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE SECRETARY ,
TRANSPORT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM., PIN - 695001
- 3 THE TRANSPORT COMMISSIONER,
TRANSPORT COMMISSIONERATE, VAZHUTHAKADU, THYCAUD,
THIRUVANANTHAPURAM., PIN - 695014
- 4 BIJOY PETER, AGED 42 YEARS
S/O K.V. PETER, MOTOR VEHICLE INSPECTOR,
OFFICE OF THE ENFORCEMENT R.T.O.,
CIVIL STATION, KAKKANAD, ERNAKULAM,
RESIDING AT KOODARAPALLIL, THOMASPURAM,
MARADU P.O., ERNAKULAM., PIN - 682304
- 5 KERALA MOTOR VEHICLES DEPARTMENT GAZETTED OFFICERS
ASSOCIATION,
V/610, UNICHIRA, EDAPPALLY, THRIKKAKARA P.O.,
ERNAKULAM, REPRESENTED BY ITS GENERAL SECRETARY.
A.S. VINOD, WORKING AS MOTOR VEHICLE INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE, PATHANAPURAM,
KOLLAM DISTRICT, RESIDING AT VIJAYA NIVAS,
MULAVANA P.O., KOLLAM., PIN - 682021
- 6 MANOJ KUMAR G. , AGED 49 YEARS
S/O GANGADHARAN N.D., MOTOR VEHICLE INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE,



THRIPUNITHURA, ERNAKULAM DISTRICT,
RESIDING AT ASWATHY, NO. 32/1008,
NETTAYIKODATH ROAD, PALARIVATTOM,
KOCHI, ERNAKULAM., PIN - 682305

BY ADVS.
P.MOHANDAS (ERNAKULAM)
SABU M R
K.SUDHINKUMAR(K/572/2014)
SABU PULLAN(K/35/2001)
GOKUL D. SUDHAKARAN(K/000886/2016)
R.BHASKARA KRISHNAN(K/000891/2016)
BHARATH MOHAN(K/1392/2020)
K.P.SATHEESAN (SR.) (S-242)
P.RAVINDRAN (SR.) (R-341)
SREEDHAR RAVINDRAN(K/559/2012)
SRI.A.J.VARGHESE, SR.GP

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY
HEARD ON 13.03.2025, ALONG WITH OP(KAT).491/2023 AND CONNECTED
CASES, THE COURT ON 10.04.2025 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

OP(KAT) NO. 517 OF 2023

AGAINST THE ORDER DATED 20.07.2023 IN OA (EKM) NO.410 OF 2022

OF KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM

PETITIONERS/APPLICANTS IN OA:

- 1 JALAL. M.K, AGED 43 YEARS
S/O.MUHAMMED KUNJU KUNJU,
WORKING AS HEAD CLERK,
SUB REGIONAL TRANSPORT OFFICE,
KOTHAMANGALAM, ERNAKULAM DISTRICT-686691
RESIDING AT MUNCHAKKAL,
PALLARIMANGALAM PO., KOTHAMANGALAM-686671
- 2 MOHANDAS.T.K, AGED 53 YEARS
S/O.T.M.KUTTAPPAN,
WORKING AS JUNIOR SUPERINTENDENT (HIGHER GRADE) ,
SUB REGIONAL TRANSPORT OFFICE,
CHITTOOR, PALAKKAD-678101
RESIDING AT THANNIKKAL, AMARA PO.,
CHANGANASSERY, KOTTAYAM DISTRICT-686546
- 3 MANEESHA C.M, AGED 39 YEARS
D/O. C.M MURALEEDHARAN,
WORKING AS SENIOR CLERK,
REGIONAL TRANSPORT OFFICE,
CIVIL STATION PO., KAKKANADU,
ERNAKULAM DISTRICT-682030



RESIDING AT FLAT NO 101, 1ST FLOOR,
PALM GROVE APARTMENTS, GEORGE EDEN ROAD,
DESHABAMANI, KALOOR, ERNAKULAM, PIN - 682017

- 4 NISHANTH T.T., AGED 43 YEARS
S/O. P. K. NARAYANAN,
WORKING AS HEAD ACCOUNTANT,
SUB REGIONAL TRANSPORT OFFICE, V.K MALL,
VELLARIKUND - 671534
RESIDING AT 'PARVATHI NILAYAM' EDAT (PO.),
PAYYANUR, KANNUR DT-, PIN - 670327
- 5 ANISH PHILIP, AGED 39 YEARS
S/O. PHILIP, WORKING AS CLERK,
REGIONAL TRANSPORT OFFICE,
VELLARIKUND, CHENNANGATTU,
KALICHANADUKKAM, KASARGOD DISTRICT,
PIN - 671314
- 6 SUGISH.S., AGED 33 YEARS
S/O. SURENDRAN.R., WORKING AS CLERK,
REGIONAL TRANSPORT OFFICE,
CIVIL STATION, KASARGOD,
KASARGOD DISTRICT - 671123
RESIDING AT 'MAYOOKHAM',
NELLIKKUNNAM (PO.), KOTTARAKKARA,
KOLLAM DISTRICT, PIN - 691520
- 7 SREEKANTH P.K, AGED 38 YEARS
S/O. K.CHANDUKUTTY,
WORKING AS SENIOR CLERK,
SUB REGIONAL TRANSPORT OFFICE,
MINI CIVIL STATION, KANHANGAD,
KASARGOD DISTRICT - 671315
RESIDING AT POZHUTHALA HOUSE
KARICHERY, KOLATHUR (PO.),
KASAARGOD DISTRICT, PIN - 671541
- 8 JITHESH M, AGED 41 YEARS
S/O. THAMPAN.P.V.,
WORKING AS HEAD CLERK,
SUB REGIONAL TRANSPORT OFFICE,
MINI CIVIL STATION, KANHANGAD,



KASARGOD DISTRICT - 671315,
RESIDING AT 'ANIZHAM', MANIYAT, MANIYAT (PO.),
KASARGOD DISTRICT, PIN - 671310

- 9 REMYAKALA.M.V, AGED 37 YEARS
D/O.M.N.VENU, WORKING AS SENIOR CLERK,
REGIONAL TRANSPORT OFFICE,
CIVIL STATION PO., KAKKANADU,
ERNAKULAM DISTRICT-682030,
RESIDING AT MUNDAKAPPADAM HOUSE,
PERUMPADANNA, NORTH PARUR,
ERNAKULAM DISTRICT, PIN - 683513
- 10 SAJITH KUMAR.R, AGED 29 YEARS
S/O. RAVEENDRAN.S., L.D.CLERK,
REGIONAL TRANSPORT OFFICE,
CIVIL STATION PO., KAKKANADU,
ERNAKULAM DISTRICT-682030,
RESIDING AT KANIYANVILAKATH VEEDU,
NANNATTUKAVU, POTHANKODU PO.,
THIRUVANATHAPURAM-695584

BY ADVS.
C.JOSEPH ANTONY
JOSEPH JOSE
RAJU JOSEPH (SR.)

RESPONDENTS/RESPONDENTS & ADDITIONAL RESPONDENTS 3 TO 5:

- 1 STATE OF KERALA ,
REPRESENTED BY THE SECRETARY
TO GOVERNMENT, TRANSPORT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 THE TRANSPORT COMMISSIONER,
TRANS TOWERS, VAZHUTHAKKAD,
THIRUVANANTHAPURAM, PIN - 695014
- 3 BIJOY PETER, AGED 43 YEARS



S/O.K.V.PETER, MOTOR VEHICLE INSPECTOR,
OFFICE OF THE ENFORCEMENT RTO.,
CIVIL STATION, KAKKANAD, ERNAKULAM-682030,
RESIDING AT KOODARAPPALLIL,
THOMASPURAM, MARADU PO.,
ERNAKULAM, PIN - 682304

- 4 KERALA MOTOR VEHICLE DEPARTMENT GAZETTED OFFICERS
ASSOCIATION,
V/610, UNICHIRA, EDAPPALLY,
THRIKKAKARA PO., ERNAKULAM-682030
REPRESENTED BY ITS GENERAL SECRETARY,
A.S.VINOD, WORKING AS MOTOR VEHICLE INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE,
PATHANAPURAM, KOLLAM DISTRICT,
RESIDING AT VIJAYA NIVAS, MULAVANA PO.,
KOLLAM-692504, KERALA, PIN - 689695

- 5 MANOJ KUMAR.G, AGED 51 YEARS
S/O.GANGADHARAN.N.D., MOTOR VEHICLE INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE,
THRIPUNITHURA, ERNAKULAM DISTRICT-682305
(RESIDING AT ASWATHY NO.32/1008,
NETTAYIKODATH ROAD, PALARIVATTOM,
KOCHI, ERNAKULAM, PIN - 682025

SRI.A.J.VARGHESE, SR.GP

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY
HEARD ON 13.03.2025, ALONG WITH OP(KAT).491/2023 AND CONNECTED
CASES, THE COURT ON 10.04.2025 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

OP(KAT) NO. 560 OF 2023

AGAINST THE ORDER/JUDGMENT DATED 20.07.2023 IN OA (EKM)
NO.422 OF 2022 OF KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM

PETITIONERS/APPLICANTS:

- 1 SIVAPRASAD V., JUNIOR SUPERINTENDENT,
AGED 52 YEARS
REGIONAL TRANSPORT OFFICE, PALAKKAD-678001
RESIDING AT CHARALPARAMBIL HOUSE,
INDIRA NAGAR FIRST STREET, MANNUTHI P.O.,
THRISSUR, PIN - 680651
- 2 V.B.SHINOJ, AGED 42 YEARS
HEAD ACCOUNTANT, SUB REGIONAL TRANSPORT OFFICE,
KODUNGALLOOR-680664,
RESIDING AT VELLAPPULLY HOUSE, METHALA ,
METHALA P.O, KODUNGALLOR,
THRISSUR, PIN - 690669

BY ADV P.C.SASIDHARAN

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,



TRANSPORT(C) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001

2 THE TRANSPORT COMMISSIONER,
TRANSPORT COMMISSIONERATE,
2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD,
THYCAUD P.O., THIRUVANANTHAPURAM, PIN - 695014

SRI.A.J.VARGHESE, SR.GP

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY
HEARD ON 13.03.2025, ALONG WITH OP(KAT).491/2023 AND CONNECTED
CASES, THE COURT ON 10.04.2025 DELIVERED THE FOLLOWING:



CR

JUDGMENT

P.Krishna Kumar, J.

In this batch of original petitions, the petitioners challenge the validity of the Kerala Transport Service (Amendment) Special Rules, 2022 ('the Amendment Rules, 2022', for short). By the said amendment, Rule 4 in the Special Rules for the Kerala Transport Service, 1981 ('the Special Rules', 1981, for short) has been amended to prescribe a technical qualification to the post of Joint Regional Transport Officer (Joint RTO), namely, a Diploma in Automobile Engineering or Mechanical Engineering awarded by any recognised institutions.

2. Though the petitioners raised the above challenge before the Kerala Administrative Tribunal, by



the common order impugned in these petitions, the Tribunal rejected their applications. For the sake of convenience, O.P.(KAT)No.416/2023 is considered as the leading case, in the following discussion.

3. We heard the learned counsel appearing for the petitioners, the learned counsel appearing for the party respondents and the learned Senior Government Pleader.

4. The upshot of the challenge is that when sub-clause (4) of Section 213 of the Motor Vehicles Act, 1988 ('the Act' for short) specifically provides that it is for the Central Government to prescribe the minimum qualifications of the officers working under the Motor Vehicles Department established by the State Government, it is beyond the legislative power of the State Government to prescribe minimum educational qualifications for the post of Joint RTO and thus, the Amendment Rules, 2022 is *ultra vires* of Section 213(4) of the Act.



5. To defend the said assertion, the respondents stated that as the Central Government has not so far prescribed any minimum qualifications for the post of Joint RTO, it is well within the legislative power of the State to prescribe the minimum qualifications by exercising its rule-making power conferred by Article 309 of the Constitution of India and the provisions of the Kerala Public Services Act, 1968.

6. Apart from the challenge that the Amendment Rules, 2022 is *ultra vires* of Section 213(4) of the Act, certain other contentions were also raised by each of the petitioners. Referring to the judgment of this court in **Kerala Assistant Motor Vehicle Inspectors Association v. State of Kerala** in O.P.No.5612/1981 dated 28.05.1982 (produced as Annexure A2 in O.P.(KAT)No.394/2023) and **Basheer v. Kerala Assistant Motor Vehicle Inspectors Association** (1995 KHC 521) which is produced as Annexure A3, it is contended that the amended rules were issued in order to nullify the said judgments, which state that



Joint RTO is a non-technical and administrative post, which is not legally permissible. Various decisions of the Apex Court are cited to support this argument, including **Indian Aluminium Co. and Others v. State of Kerala and Others** [(1996) 7 SCC 637] and **In Re Cauvery Water Disputes Tribunal v.** (AIR 1992 SC 522). It is also argued that when the Supreme Court or the High Court declares the law in a particular manner, the effect of the decision can be nullified only through a Validation Act, and not by amending the service rules.

7. It is further argued that since the State rule is repugnant to the Central Statute, it could have been promulgated only with the assent of the President of India. It is also contended that when the State Government is not the entity authorised under Section 213 of the Motor Vehicles Act to prescribe minimum qualifications for the posts in the Motor Vehicles Department, the question is not merely whether the rule in question is repugnant to the Central Act, but it is



the very competency of the State to make the law. Referring to the decision in **Kihoto Hollohan v. Zachillhu and Others** (1992 Supp. (2) SCC 651), it is contended that the competence of the law-making authority would depend on the ambit of the legislative power and the limitations imposed thereon as well as the limitations of the mode of exercise of the power.

8. It is further submitted that, when section 213(4) very specifically refers to a particular class of officers and then makes it clear that only the Central Government can fix their minimum qualification, the State Government cannot even touch that class. As the Central Government has not prescribed any minimum qualifications for the post of Joint RTO, the State Government cannot step in and fill the vacuum by resorting to its rule-making power, especially when the Central Statute very clearly provides that it is the province of the Centre, it is contended.



9. Another contention raised is that, if the amendment is upheld, it would create stagnation in the feeder category of Senior Superintendent/Junior Accounts Officer as almost all of them do not possess the qualifications additionally prescribed. Relying on the decision in **Sajeev S. v. Kerala Khadi and Village Industries Board, TVM and Another (2020(3)KHC 394)**, it is contended that the absence of sufficient avenues of promotion and stagnation in a post would give rise to discontentment and inefficiency among employees, and thus the rules made in forgetfulness of this basic principle is highly arbitrary and violative of Article 14 of the Constitution of India. It is further contended that the post of Joint RTO is in fact an administrative post and thus prescribing a technical qualification for that post is highly arbitrary.

10. In order to support the respective arguments, the learned counsel placed reliance on the following decisions: **Rathinaswami M. and Others v. State of Tamil**



Nadu and Others (2009 KHC 4616), **Roop Chand v. Delhi Development Authority** (1988 KHC 738), **Ajal Ramakrishnan v. Athira** (2024 (5) KLT 846 (F.B.)), **Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamigal Medical Educational & Charitable Trust v. State of Tamil Nadu and Others** [(1996) 3 SCC 15], **Virender Singh Hooda and Others v. State of Haryana and Another** [(2004) 12 SCC 588) and **Forum for People's Collective Efforts (FPCE) and Another v. State of West Bengal and Another** [(2021) 8 SCC 599]

11. To refute the said contentions, the learned Counsel appearing for the respondents and the learned Senior Government Pleader appearing for the State contended that as per Entry No.41 (State List) of the Constitution of India, the State Government has every authority to prescribe law relating to State Public Services. It is also pointed out that the Centre has already notified minimum qualifications for Motor Vehicle Inspectors and Assistant Motor Vehicle Inspectors, but it left the post of Joint RTO unaltered and thus there is no



question of any repugnancy in respect of the Amendment Rules, 2022. It is also submitted that the petitioners have not even reached the feeder category of Joint RTO and further, they have a separate line of promotion apart from resorting to the by-transfer appointment to the post of Joint RTO. To fortify their submissions, the following decisions were referred to: **O.P. Lather & Ors. v. Satish Kumar Kakkar & Ors.** [(2001) 3 SCC 110], **Dist. Collector Satara & Anr. v. Mangesh Nivrutti Kashid** [(2019 (10) SCC 166], **Rathinaswami M & Others v. State of Tamil Nadu** [(2009) 5 SCC 625], **Maharashtra Public Service Commission Through its Secretary v. Sandeep Shriram Warade** [(2019) 6 SCC 362], **S.Satyapal Reddy & Others v. Govt. of A.P.& Others** [(1994) 4 SCC 391], **Anup V.H. v. Pramod A.D.** [2024 (7) KHC 263 (DB)], **State of Jammu & Kashmir v. Triloki Nath Khosa & Ors** (AIR 1974 SC 1), and **Chandan Banerjee v. Krishna Prosad Ghosh** [2021 (5) KLT 1127 (SC)].

12. As the core dispute in this matter centres around the effect of Section 213 of the Act and the



validity of the Amendment Rules, 2022, the relevant parts of the provisions are reproduced hereunder with added emphasis on the most significant parts:

213. Appointment of motor vehicles officers. (1)
The State Government may, for the purpose of
carrying into effect the provisions of the Act,
establish a Motor Vehicles Department and appoint as
officers thereof such persons as it thinks fit.

(2) Every such officer shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860 (45 of 1860).

(3) The State Government may make rules to regulate the discharge by officers of the Motor Vehicles Department of their functions and in particular and without prejudice to the generality of the foregoing power to prescribe the uniform to be worn by them, the authorities to which they shall be subordinate, the duties to be performed by them, the powers (including the powers exercisable by police officers under this Act) to be exercised by them, and the conditions governing the exercise of such powers.

(4) **The Central Government may, having regard to the objects of the Act, by notification in the Official Gazette, prescribe the minimum qualifications which the said officers or any class**



thereof shall possess for being appointed as such.

XXXXXXXXXX

The Amendment Rules, 2022 reads as follows:

“In exercise of the powers conferred by sub-section (1) of section (2) of the Kerala Public Services Act, 1968 (19 of 1968), the Government of Kerala hereby make the following rules further to amend the Special Rules for the Kerala Transport Service issued under G.O (P) No. 91/81/TF&P dated 5th October, 1981 and published as S.R.O. No. 1164/81 in the Kerala Gazette Extraordinary No.792 dated 14th October, 1981, namely:-

1. Short title and commencement.- (1) These rules may be called the Kerala Transport Service (Amendment) Special Rules, 2022.

(2) They shall come into force at once.

2.Amendment of the Rules.- In the Special Rules for the Kerala Transport Service, 1981, in rule 4, after sub-rule (c) the following sub-rules shall be inserted, namely:-

“ (d) No person shall be eligible for appointment by transfer to category 4 unless he possesses the qualifications specified below:-

1.Pass in SSLC or its equivalent.



2. (i) A diploma in Automobile Engineering or Mechanical Engineering awarded by the State Board of Technical Education (3 year course) or any institution recognized by the Central Government or the State Government; or

(ii) Any qualification in either of the above disciplines declared as equivalent to the above diplomas by the Central Government or the State Government.

3. Must hold a current valid driving license authorizing him to drive motorcycle, heavy goods vehicle and heavy passenger motor vehicle.

(e) Saving.- Notwithstanding anything contained in sub-rule (d), the qualifications specified therein shall not be applicable to persons belonging to category 4 who entered in, or promoted from, the said category and also to persons who entered the feeder categories for by-transfer appointment to category 4, prior to the date of commencement of the Kerala Transport Service (Amendment) Special Rules, 2022 in the official Gazette:"

The method of appointment of Joint RTO (Category No.4) is by promotion from Motor Vehicle Inspectors (Category No.5) as well as by transfer from Senior Superintendents/Junior Accounts Officers of the Motor



Vehicles Department. It was pointed out during the hearing that the saving clause would protect them for further promotion/by transfer appointment, even if they do not possess the newly introduced technical qualification. The petitioners are working as Junior Superintendent, Head Clerk, Senior Clerk etc., which posts are not the feeder category to Joint RTO. According to them, they will be affected by the amendment, as they did not possess the said qualification and the saving clause will not help them.

13. Section 213(4) of the Act is, in fact, an enabling provision. It enables the Central Government to prescribe a minimum qualification for such officers or any class thereof for being appointed in the Motor Vehicles Department established by the State Government. The purpose is evident from Section 213 itself. The officers of the Motor Vehicle Department should possess higher standards to implement the policy of the State as set out in the Motor Vehicles Act. For this purpose, the



Central Government *may*, if it thinks fit, *prescribe any minimum qualification* for any of the posts in the Motor Vehicles Department established by the State Government. Thus, the question of prescribing minimum qualification by the Central Government arises only when the qualification prescribed by the State Government as part of the regular conditions of service of its officers is insufficient to achieve the said objects.

14. It is relevant to note that as per Section 213(1) of the Act, the duty to establish a Motor Vehicle Department and appoint officers in such a department is vested in the State Government. Section 213(3) further empowers the State Government to make rules to regulate the discharge of the functions of those officers of the Motor Vehicle Department including the duties to be performed by them, the powers to be exercised by them and the conditions governing the exercise of those powers. However, the power of the State Government to prescribe conditions of services of persons appointed to any public



service, or for regulating their recruitment, is governed by the provisions of the Kerala Public Services Act, 1968. The scope of Section 213(3) of the Act is distinct from the purposes for which the State Government is empowered to prescribe rules under the Kerala Public Services Act. By exercising these powers, if the State Government prescribes minimum or special qualifications for the post of Joint RTO, nothing in the Motor Vehicles Act would bar it from doing so. At the same time, if the Central Government having regard to the objects of the Act prescribes a different minimum qualification for the said post, then the incumbent must possess the qualification prescribed by the Central Government. This is the scheme embodied in Section 213 of the Act.

15. As evident from the object and reasons of the Amendment Rules, various expert bodies including the Supreme Court Committee on Road Safety and the Departmental Promotion Committee for the Motor Vehicles Department felt that technical qualifications are to be



mandatorily prescribed for the officers posted in the Motor Vehicles Department. It is true that the Supreme Court Committee had appealed to the Central Government, not the State Government, to prescribe such technical qualifications. It may be true that the Departmental Promotion Committee is not entrusted with the duty to recommend technical qualifications for the post in the Motor Vehicles Department. However, what is relevant is the legislative competence of the State to prescribe the above qualification to the post of Joint RTO. The State Government proceeded to prescribe the said qualification when they found that it was essential for discharging the duties invested with the officers in the said category. While arriving at such a conclusion, the State Government has only relied on the reports of the said Committees. The materials upon which a legislative decision is taken have no relevance in a proceeding of the present nature where the sheet anchor of the challenge depends upon the vires of the legislation. The above facts, nevertheless,



show that the introduction of technical qualification by the said amendment was not an arbitrary exercise of power.

16. The law is well settled that a rule made under a statute by a competent authority can be challenged only on the following grounds: (a) when it is *ultra vires* the parent Act; (b) when it is opposed to the fundamental rights or there is manifest arbitrariness; and (c) when it is opposed to any other plenary laws. It is already found that prescribing a technical qualification to the post of Joint RTO by the State Government cannot be considered as repugnant to the provisions of the Act. The petitioners cannot also contend that the amendments would offend their fundamental rights, as no one has a fundamental right to be promoted. It is settled law that the reduction of promotional avenues by a subsequent amendment to the law cannot be cited as a reason to challenge the amended statutory provisions. Such changes are also part of the conditions of service of the



employees. The right of the employees to be considered for promotion is only on the basis of the law existing at the time when they are considered for promotion unless it is otherwise specifically saved in the amended law.

17. The above discussion answers the contention of the petitioners that the State amendment for prescribing qualification to the posts of officers in the Motor Vehicles Department is inhibited by the provisions of Section 213 of the Act. As discussed above, Section 213(4) of the Act is only an enabling provision for prescribing *minimum qualifications* for the officers in the Motor Vehicles Department by the Central Government, though they are appointed by the State Government. It cannot be said that it is an occupied field. The said provision does not expressly or impliedly bar the authority of the State Government to prescribe qualifications to the officials in the Motor Vehicles Department established by the State.



18. In fact, this aspect is pointedly dealt with by the Honourable Supreme Court in **S.Satyapal Reddy & Others v. Govt. of A.P.& Others** (supra). In the said case, an exactly similar question was raised before the Supreme Court. The Government of Andhra Pradesh prescribed a Degree in Mechanical Engineering as a qualification for the post of Assistant Motor Vehicles Inspector in the Andhra Pradesh Transport Subordinate Service. This was challenged on the ground that as per Section 213(4) of the Act, the power to prescribe qualification is vested in the Central Government. The Apex Court held that Entry 41 of List II (State List) of the Seventh Schedule of the Constitution of India empowers the State Government to prescribe qualifications for any of the officers in its public service and it includes the officers to be appointed under sub-section (1) of Section 213 of the Act. The Court further held that Article 309 of the Constitution of India empowers the Governor to make rules regulating recruitment which includes prescription of



qualifications for appointment to an office or post under the State, and the Transport Department constituted by the State Government, belongs to the State services and thus the State Government is entitled to prescribe qualifications to the posts as part of the conditions of service or for recruitment purposes. The Apex Court further held that the provisions of the Act receive paramountcy only when there is a conflict between the rule made under Article 309 of the Constitution of India and the provisions of the Act. Thus, if the Central Government prescribes a higher qualification for the officials under the Act, the State Government cannot prescribe a lesser qualification. It is further held that rules made by the Central Government under Section 213(4) and the statutory rules made by the State Government under Article 309 of the Constitution of India are to be construed harmoniously. It is significant to quote the relevant paragraphs of the judgment hereunder:

“Therefore, sub-section (1) of section 213 gives



power to the State Government to create Transport Department and to appoint officers, as it thinks fit. The Governor has been given power under proviso to Article 309 of the Constitution, subject to any law made by the State Legislature, to make rules regulating the recruitment which includes prescription of qualifications for appointment to an office or post under the State. Since the Transport Department under the Act is constituted by the State Government and the officers appointed to those posts belong to the State service, while appointing its own officers, the State Government as a necessary adjunct is entitled to prescribe qualifications for recruitment or conditions of service. But while so prescribing, the State Government may accept the qualifications or prescribe higher qualification but in no case prescribe any qualification less than the qualifications prescribed by the Central Government under sub-section (4) of section 213 of the Act. In the latter event i.e., prescribing lesser qualifications, both the rules cannot operate without colliding with each other. When the rules made by the Central Government under section 213 (4) and the statutory rules made under proviso to Article 309 of the Constitution are construed harmoniously, there is no incompatibility or inconsistency in the operation of both the rules to appoint fit persons to the posts or class of officers of the State Government vis-a-vis the qualifications prescribed by the Central Government



under sub-section (4) of section 213 of the Act."

19. To conclude, while Section 213(4) of the Motor Vehicles Act empowers the Central Government to prescribe minimum qualifications for posts in the Motor Vehicles Department, this does not preclude the State Government from prescribing its own qualifications for the service in the Motor Vehicles Department. The State Government's competence to enact the impugned Amendment Rule, 2022, remains unquestionable, as it is a piece of subordinate legislation made by the State Government drawing its power from Section 2 of the Kerala Public Services Act, 1968. Furthermore, Entry No. 41 of List II of the Constitution of India grants the State Legislature exclusive power to legislate on matters relating to the public services of the State. Therefore, the issue of repugnancy with Section 213(4) of the Act would arise only if the Central Government, through a notification, prescribes a minimum qualification for the post of Joint RTO and that is higher than the qualification stipulated



under the Amendment Rules, 2022.

20. Let us now consider the challenge made against the Amendment Rules, 2022 on the ground that it goes against Annexure A2 and A3 judgments of this Court. Annexure A2 judgment was delivered by this court when the Assistant Motor Vehicle Inspectors approached the court seeking a direction that technical qualification should be insisted on for the Category 4 post of Joint RTO. The relief sought by the petitioners in the said case was that the Special Rules for Kerala Transport Service, 1981 should be amended to incorporate additional technical qualifications. While disposing of the matter, the learned Single Judge observed that the functions of the Joint RTO are administrative in nature and the petitioners failed to show that public interest for safety requires that persons holding the post of Joint RTO and above should possess technical qualifications or technical knowledge of the same nature. The said observations were made after considering the then-existing Motor Vehicles Act and the



Rules as compared to the erstwhile Special Rules of 1962. It cannot thus be projected as a roadblock to the legislative competence of the State to prescribe technical qualifications to the said post.

21. In **Basheer v. Kerala Assistant Motor Vehicle Inspectors Association (1995 KHC 521)**, the question raised was that, when the Government of India prescribed certain minimum qualifications to the post of Motor Vehicle Inspectors, by issuing a notification, was it open to the State Government to make appointments to the posts of Joint RTOs and RTOs if they do not have the minimum qualifications prescribed under the said notification. After following the decision of the Apex Court in **S.Satyapal Reddy & Others v. Govt. of A.P.& Others** (supra), the Division Bench held that there is absolutely no conflict between the Special Rules, 1981 and the notification issued by the Central Government, as both of them are supplementary to each other and that they are reconcilable. The Court also held that the



notification issued by the Central Government does not apply to the post of Joint RTO and RTO in the State of Kerala. The main dispute raised in the above judgment is whether the officers in the category of 'Inspector of Motor Vehicles' include Joint RTO. In the most part of the judgment, the court was considering the above aspect and it finally concluded that Joint RTO would not come within the definition of "Inspector of Motor Vehicles". Nevertheless, while discussing the matter in detail, the Bench observed that there are statutory indications to show that the Act and the Rules contemplated non-technically qualified people holding the superior post. The Bench further referred to certain observations made in Annexure A2 judgment as well, to the extent that for discharging various duties enjoined on the Joint RTO and the RTO, they do not require technical knowledge of any sort and they exercise mostly administrative functions and wherever they are expected to do some inspection of vehicles or other technical aspects, they could take the



assistance of technically qualified AMVIs or MVIs. However, the said observations were made by the Single Bench in the context that the relief sought for by the petitioners in the said case was that the Special Rules for Kerala Transport Service, 1981 should be amended to incorporate additional technical qualifications.

22. It is important to note that the entire exercise made by the Division Bench was on the basis of the following questions framed for the determination of the case:

"(1) Whether the Kerala State Transport Service Rules and the Kerala State Transport Subordinate Service Rules continue to be valid and operative after 1st July 1989?

(2) Whether Ext. P-4 notification dated 12th June 1989 SO 443 (E) as amended on 29th April 1991 as per SO 381 (E) applies to the posts of Joint Regional Transport Officer and Regional Transport Officer in the State of Kerala?

(3) Whether Ext. P-4 notification as amended superseded the State Transport Service Rules and the Kerala State Transport Subordinate Service



Rules?

(4) Whether the State Rules for Transport Service and the State Transport Subordinate Service Rules are in conflict with Ext. P-4 notification as amended or whether they are reconcilable and they can co-exist?

(5) Whether Ext. P-8 order dated 24th June 1991 is liable to be quashed?"

It is thus evident that the observation about technical qualification was only an incidental comment and the ratio of the decision, as stated earlier, is completely different. In fact, the said judgment further upheld the authority of the State Government to prescribe rules dehors the provisions contained in Section 213(4) of the Act, following the law laid down by the Apex Court in **S.Satyapal Reddy & Others v. Govt. of A.P.& Others** (supra).

23. For the above reasons, we are not in a position to apply the principle enunciated by the learned counsel appearing for the petitioners that when the Supreme Court



or the High Court declares the law in a particular manner, the effect of the decision can be nullified only through a Validation Act, and not by amending the service rules. The government, being the delegated authority to make rules, can certainly modify the provisions of the rules on which a verdict is delivered by the court. But it cannot set aside an individual decision inter-parties, as it would amount to exercising the judicial power by the State, which is impermissible under the constitutional scheme of separation of powers. Nevertheless, the power of the Government to frame rules is intact even if the factual and legal foundation of earlier judicial decisions is thereby modified. However, in the present case, after analysing Annexure A2 and A3 judgments, we do not find that the Amendment Rule, 2022 in any manner overturns the above judicial decisions.

24. It is also significant to note that the above decision was rendered by the Court for the absence of any statutory provision mandating that the post of Joint RTO



requires a technical qualification. The Court noticed that a rule amendment to make such change was in the offing. It observed as follows:

“29..... Though as per the suggestion of the Minister some draft Rules were prepared, till they are scrutinised by the Law Department and till they are approved by the Subordinate Legislation Committee of the Legislature, they cannot be brought into force. Any how, in this particular batch of writ appeals, we are not concerned with what will happen as and when the Rules are amended. It is a matter that will have to be considered by the State Executive.”

In paragraph 34, the Court further stated as follows:

“34. Assuming for a moment that there is some divergence between Ext.- P-4 and the Kerala State Transport Service Rules and the Kerala State Subordinate Service Rules, even then both of them are reconcilable and they can co-exist supplementing each other. Only when there is a direct conflict or inconsistency perhaps the State Rules may have to yield place to the Central Rules. On this particular aspect, it is argued by the learned counsel that even if there is any conflict the Rules framed under the power derived under Art.309 of the Constitution would prevail over Ext. P-4 which is a mere notification under the Central enactment.”



The 'draft Rules' mentioned above materialised in the form of the Amendment Rule only in the year 2022. The court pronounced the judgment in the above manner, as technical qualification was not a statutory requirement at the relevant time. Thus, there is no justification for challenging the said amendment by resorting to the very same judgment, which was pronounced in the above circumstance.

25. In short, it is to be concluded that the amended rule in question is valid and it is not repugnant to the provisions of Section 213 of the Motor Vehicles Act. The findings of this Court in **Basheer v. Kerala Assistant Motor Vehicle Inspectors Association** are substantially in line with the discussion made above and it is not possible to hold that the delegated legislation in question is invalid as it goes against the observations made therein. There is no reason to interfere with the impugned order passed by the Kerala Administrative Tribunal.



In the result, the Original Petitions are dismissed, upholding the findings of the Kerala Administrative Tribunal.

Sd/-

A.MUHAMED MUSTAQUE

JUDGE

Sd/-

P.KRISHNA KUMAR

JUDGE



APPENDIX OF OP(KAT) 9/2024

PETITIONERS' ANNEXURES & EXHIBITS

- | | |
|---------------------|--|
| ANNEXURE A1 | TRUE COPY OF THE G.O(RT)NO.4/2022/TRANS DATED 16.02.2022 AMENDING THE SPECIAL RULES FOR THE KERALA TRANSPORT SERVICE, 1981 |
| ANNEXURE A2 | TRUE COPY OF THE GOVT.OF INDIA NOTIFICATION ISSUED AS PER S.O.443(E) DATED 12.06.1989. |
| ANNEXURE A3 | TRUE COPY OF SPECIAL RULES FOR THE KERALA TRANSPORT SERVICE, 1981 ISSUED AS PER G.O(P)NO.91/81/TF&P DATED 05.10.1981 |
| ANNEXURE A4 | TRUE COPY OF THE RELEVANT EXTRACT OF FILENO.TRANS-C3/239/218-TRANS (COMPUTER) NO.853412) . |
| ANNEXURE A5 | TRUE COPY OF THE LETTER NO.A1-E-68383/2019/TC DATED 02.07.2019 OF THE TRANSPORT COMMISSIONER ADDRESSED TO THE 1ST RESPONDENT. |
| ANNEXURE A6 | TRUE COPY OF LETTER NO.C3/239/2018-TRANS DATED 15.10.2020 ALONG WITH THE DRAFT SPECIAL RULES (AMENDMENT) 2020. |
| ANNEXURE A7 | TRUE COPY OF THE MINUTES OF THE MEETING HELD ON 04.11.2020 |
| ANNEXURE A8 | TRUE COPY OF THE CURRENT CASE STATUS OF OA(EKM)NO.1635/2020.DOWNLOADED FROM THE WEBSITE OF THIS HON'BLE TRIBUNAL. |
| ANNEXURE A9 | TRUE COPY OF G.O(MS)NO.10/2021/TRAMS DATED 27.02.2021 AMENDING THE SPECIAL RULES |
| ANNEXURE A10 | TRUE COPY OF G.O(MS)NO.11/2021/TRANS DATED 16.03.2023 DELETING ANNEXURTE A9 AMENDMENT ORDERED |



ANNEXURE A11	TRUE COPY OF LETTER NO.C3/286/2020-TRANS DATED 19.03.2021 OF THE 1ST RESPONDENT ALONG WITH THE ENCLOSED DRAFT AMENDMENT SPECIAL RULES
ANNEXURE A12	TRUE COPY OF THE RELEVANT EXTRACT OF THE MINUTES OF THE MEETING DATED 02.07.2019 OF THE SUPREME COURT COMMITTEE ON ROAD SAFETY, ISSUED AS PER LETTER NO.05/2014/CORS(VOL.8) DATED 12.07.2019 OF THE SUPREME COURT COMMITTEE
ANNEXURE A13	TRUE COPY OF CIRCULAR NO.11884/R1/07/P&ARD DATED 19.07.2010
ANNEXURE A14	TRUE COPY OF THE CIRCULAR NO.RULES-129/2016/P&ARD DTED 18.08.2016
ANNEXURE A15	TRUE COPY OF THE SERVICES PROVIDED FROM RT OFFICES AND SUB RT OFFICES, AS SHOWN IN THE OFFICIAL WEBSITE OF THE MOTOR VEHICLES DEPARTMENT
ANNEXURE A16	TRUE COPY OF THE RELEVANT EXTRACT OF THE MOTOR VEHICLES AMENDMENT ACT, 2019 DATED 09.08.2019
ANNEXURE A17	TRUE COPY OF THE COMMON ORDER IN OA(EKM)NO.1647/2021 AND CONNECTED CASES.
ANNEXURE A18	TRUE COPY OF G.O(RT)NO.452/2021/TRANSPORT DATED 17.12.2021 ISSUED BY THE 1ST RESPONDENT.
EXHIBIT P1	TRUE COPY OF THE O.A(EKM)-424/2022 FILED BY THE PETITIONERS BEFORE THE TRIBUNAL ALONG WITH ITS ANNEXURES
EXHIBIT P2	TRUE COPY OF THE MA(EKM)-1164/2022 IN OA(EKM)-424/2022 DATED 01.07.2022
EXHIBIT P3	TRUE COPY OF THE M.A(EKM)NO.1347/2022 DATED 11.07.2022
EXHIBIT P4	TRUE COPY OF THE ADOPTION MEMO FILED IN O.A(EKM) 424/2022 ADOPTING THE REPLY STATEMENT DATED



**26.09.2022 FILED BY THE 1ST RESPONDENT IN O.A
(EKM) 440/2022**

EXHIBIT P5

**TRUE COPY OF THE ORDER OF THE HON'BLE TRIBUNAL
DATED 20.07.2023 IN OA(EKM)-424/2022**



APPENDIX OF OP(KAT) 17/2024

PETITIONERS ANNEXURES & EXHIBIT

ANNEXURE A1	TRUE COPY OF THE NOTIFICATION PUBLISHED IN THE GAZETTE OF INDIA DATED 12.6.1989 (RELEVANT PORTION) .
ANNEXURE A2	TRUE COPY OF GO(P)NO.91/81/TF&P DATED 5.10.1981 (RELEVANT PORTION) .
ANNEXURE A3	TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA IN OP NO.5612 OF 1981 AND CONNECTED CASES DATED 28.5.1982 .
ANNEXURE A4	TRUE COPY OF LETTER NO.A1-E-68383/2019/TC DATED 2.7.2019 OF 2ND RESPONDENT .
ANNEXURE A5	TRUE COPY OF THE DRAFT SPECIAL RULES (AMENDMENT) 2020 ISSUED AS PER FILE NO.A1/62/2020-TC BY THE 1ST RESPONDENT .
ANNEXURE A5 (A)	TRUE COPY OF THE MINUTES OF THE MEETING HELD WITH AUTHORISED SERVICE ORGANIZATIONS DATED 4.11.2020 .
ANNEXURE A6	TRUE COPY OF GO(MS)NO.10/2021/TRANS DATED 27.2.2021 .
ANNEXURE A7	TRUE COPY OF GO(MS)NO.11/2021/TRANS DATED 16.3.2021 .
ANNEXURE A8	TRUE COPY OF LETTER NO.C3/286/2020-TRANS DATED 19.3.2021 ALONG WITH THE DRAFT NOTIFICATION .
ANNEXURE A9	TRUE COPY OF THE RELEVANT EXTRACT OF THE MINUTES OF THE MEETING HELD ON 2.7.2019 OF THE SUPREME COURT COMMITTEE ON ROAD SAFETY ISSUED AS PER LETTER NO.05/2014/CORS (VOL-8) DATED 12.7.2019 .



ANNEXURE A10	TRUE COPY OF CIRCULAR NO.11884/R1/07/P&ARD DATED 19.7.2010.
ANNEXURE A11	TRUE COPY OF THE RELEVANT EXTRACT OF THE LIST OF SERVICES PROVIDED BY REGIONAL TRANSPORT OFFICES AND SUB REGIONAL TRANSPORT OFFICES VIDE CITIZEN CHART ISSUED FROM MOTOR VEHICLES DEPARTMENT.
ANNEXURE A12	TRUE COPY OF THE MOTOR VEHICLES (AMENDMENT) ACT, 2019 DATED 9.8.2019 (RELEVANT PORTION) .
ANNEXURE A13	TRUE COPY OF THE ORDER OF THIS HON'BLE TRIBUNAL IN OA(EKM)NO.1106 OF 2020 DATED 3.8.2020.
ANNEXURE A14	TRUE COPY OF GO(RT)NO.174/2021/TRANS DATED 7.6.2021.
ANNEXURE A15	TRUE COPY OF ORDER OF THIS HON'BLE TRIBUNAL IN OA(EKM)NO.1647 OF 2020 AND CONNECTED CASES DATED 10.9.2021.
ANNEXURE A16	TRUE COPY OF THE STATEMENT OF FACTS (HEARING NOTE) SUBMITTED BY KERALA MOTOR VEHICLES DEPARTMENT STAFF ASSOCIATION BEFORE THE 1ST RESPONDENT DATED 10.12.2021.
ANNEXURE A17	TRUE COPY OF THE ORDER OF THIS HON'BLE TRIBUNAL IN TA NO.6681 OF 2012 DATED 5.7.2019.
ANNEXURE A18	TRUE COPY OF GO(RT)NO.452/2021/TRANS DATED 17.12.2021.
ANNEXURE A19	TRUE COPY OF GO(P)NO.4/2022/TRANS DATED 16.2.2022.
EXHIBIT P1	TRUE COPY OF OA(EKM)NO.232 OF 2022 ALONG WITH ANNEXURES.
EXHIBIT P2	TRUE COPY OF THE REPLY STATEMENT FILED BY 1ST



2025:KER:24560

**RESPONDENT DATED 26.9.2022 (BY ADOPTING THE
REPLY FILED IN OA(E)NO.440 OF 2022) .**

EXHIBIT P3

**TRUE COPY OF ORDER IN OA(EKM)NO.232 OF 2022
DATED 20.7.2023.**

EXHIBIT P4

**TRUE COPY OF LETTER NO.A1/319/2024-TC(I) OF
2ND RESPONDENT DATED 10.9.2024.**



APPENDIX OF OP(KAT) 394/2023

PETITIONERS ANNEXURES & EXHIBITS

ANNEXURE A1	TRUE COPY OF THE G.O(P) NO.4/2022/TRANS DATED 16.2.2022 (SRO NO.149/2022)
ANNEXURE A2	TRUE COPY OF THE G.O(P) NO.91/81/TF & P DATED 05.10.1981
ANNEXURE A3	TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT IN O.P.NO.5612/1981 AND CONNECTED CASES, DATED 28.5.1982
ANNEXURE A4	TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT DATED 24.11.1994 IN W.A.NO.1105/1994
ANNEXURE A5	TRUE COPY OF THE MINUTES OF THE MEETING DATED 2.7.2019 BY THE SUPREME COURT COMMITTEE
ANNEXURE A6	TRUE COPY OF THE LETTER OF SUPREME COURT COMMITTEE ON ROAD SAFETY DATED 12.07.2019
ANNEXURE A7	TRUE COPY OF THE COMMUNICATION DATED 2.7.2019 ISSUED BY THE TRANSPORT COMMISSIONER TO THE FIRST RESPONDENT
ANNEXURE A8	TRUE COPY OF THE RELEVANT EXTRACT OF THE NOTE FILE DATED 7.1.2020
ANNEXURE A8 (A)	TRUE COPY OF THE COMMUNICATION NO. C3/25/2020-TRANS DATED 25.1.2020 ISSUED BY THE STATE PUBLIC INFORMATION OFFICER TO SMT. MERCYKUTTY SAMUEL
ANNEXURE A9	TRUE COPY OF THE MINUTES OF THE MEETING DATED 29.06.2020
ANNEXURE A10	TRUE COPY OF THE COMMUNICATION NO.A1/62/2020-TC DATED 01.10.2020 ISSUED BY THE TRANSPORT COMMISSIONER TO THE GOVERNMENT PRINCIPAL



SECRETARY.

ANNEXURE A11	TRUE COPY OF THE PROPOSED DRAFT SPECIAL RULES (AMENDMENT) 2020
ANNEXURE A12	TRUE COPY OF THE COMMUNICATION NO.C3/239/2018-TRANS DATED 15.10.2020
ANNEXURE A13	TRUE COPY OF THE MINUTES OF THE MEETING DATED 04.11.2020 HELD UNDER THE CHAIRMANSHIP OF THE FIRST RESPONDENT
ANNEXURE A14	TRUE COPY OF THE G.O (MS) NO. 10/2021/TRANS DATED 27.2.2021
ANNEXURE A15	TRUE COPY OF THE GO(MS) NO.11/2021/TRANS DATED 16.3.2021
ANNEXURE A16	TRUE COPY OF THE COMMUNICATION NO. C3/286/2020-TRANS DATED 19.03.2021
ANNEXURE A17	TRUE COPY OF THE CIRCULAR NO.11884/R1/07/P & ARD DATED 19.07.2010
ANNEXURE A18	TRUE COPY OF THE JUDGMENT DATED 10.09.2021 IN OA(EKM) 693/2020 OF THIS HON'BLE COURT
ANNEXURE A19	TRUE COPY OF THE GO(MS) NO.452/2021/TRANS. DATED 17.12.2021
ANNEXURE A20	TRUE COPY OF THE STATEMENT OF FACTS FURNISHED BY THE STATE IN WRIT PETITION NO.20472/2004
EXHIBIT P1	TRUE COPY OF THE O.A (EKM) NO.454/2022 FILED BY THE PETITIONERS BEFORE THE TRIBUNAL ALONG WITH THE ANNEXURES
EXHIBIT P2	TRUE COPY OF THE REPLY STATEMENT FILED BY THE 1ST RESPONDENT ON 26.9.2022 (BY ADOPTING THE REPLY FILED IN OA.NO.440 OF 2022)
EXHIBIT 3	TRUE COPY OF THE REJOINDER FILED BY THE



**PETITIONERS DATED 8.11.2022 IN OA (EKM) 454
OF 2022**

RESPONDENTS EXHIBITS

EXHIBIT R6(a)

**TRUE COPY OF THE ORDER NO, A4/27/2022/TC
DATED 13.06.2022 PROMOTING THE PETITIONER AS
SENIOR SUPERINTENDENT.**



APPENDIX OF OP(KAT) 416/2023

PETITIONERS ANNEXURES & EXHIBITS

- ANNEXURE A1** TRUE COPY OF THE KERALA TRANSPORT SERVICE SPECIAL RULES, 1981, ISSUED AS PER G.O.(P) NO. 91/81/TF&P DATED 5-10-1981 AND PUBLISHED AS S.R.O. NO. 1164/81 IN THE GAZETTE DATED 14-10-1981.
- ANNEXURE A2** TRUE COPY OF THE JUDGMENT IN O.P. NOS. 5612/1981, 5627/1981 AND 5632/1981 DATED 28-5-1982 OF THE HONOURABLE HIGH COURT.
- ANNEXURE A3** TRUE COPY OF THE JUDGMENT DATED 24-11-1994 IN W.A. NO. 1099/94 AND CONNECTED CASES OF THE HON'BLE HIGH COURT , REPORTED IN 1995 (1) ILR 284 (BASHEER VS. KERALA ASST. MOTOR VEHICLES INSPECTORS' ASSOCIATION & ORS) .
- ANNEXURE A4** TRUE COPY OF THE CIRCULAR NO. 12/98 DATED 27-5-1998 ISSUED BY THE GOVERNMENT.
- ANNEXURE A5** TRUE COPY OF THE NOTE NO. 64 (FILE NO. TRANS-C3/239/2018-TRANS DATED 7-1-2020 OBTAINED UNDER THE RTI ACT AS PER LETTER NO. C3/25/2020-TRANS DATED 25-1-2020 ISSUED FROM THE OFFICE OF THE SECRETARY TO GOVERNMENT, TRANSPORT DEPARTMENT.
- ANNEXURE A6** TRUE COPY OF THE ORDER NO. C3/239/2018-TRANS DATED 9-2-2020 ISSUED BY THE 2ND RESPONDENT.
- ANNEXURE A7** TRUE COPY OF THE MOTOR VEHICLES (AMENDMENT) ACT, 2019 (NO. 32 OF 2019) AMENDING VARIOUS SECTIONS OF THE MOTOR VEHICLES ACT, 1988, PUBLISHED IN THE GAZETTE OF INDIA DATED 9-8-2018.
- ANNEXURE A8** TRUE COPY OF THE DRAFT SPECIAL RULES (AMENDMENT) 2020 ISSUED AS PER FILE NO. A1/62/2020-TC ISSUED BY THE GOVERNMENT.
- ANNEXURE A9** TRUE COPY OF THE COMMON ORDER DATED 10-9-2021 IN



O.A.(EKM) NO. 693/2020, O.A.(EKM) NO. 623/2021
AND CONNECTED CASES OF THE HON'BLE TRIBUNAL.

ANNEXURE A10

TRUE COPY OF THE ORDER, G.O.(MS) NO.
10/2021/TRANS DATED 27-2-2021 ISSUED BY THE
GOVERNMENT.

ANNEXURE A11

TRUE COPY OF THE LETTER NO. 05/2014/COR5(VOL.8)
DATED 12-7-2019 ADDRESSED BY THE CHAIRMAN,
SUPREME COURT COMMITTEE ON ROAD SAFETY ALONG
WITH THE MINUTES OF THE MEETING HELD ON 2-7-2019
BY THE SUPREME COURT COMMITTEE ON ROAD SAFETY.

ANNEXURE A12

TRUE COPY OF THE ORDER, G.O.(MS) NO. 11/2021/
TRANS DATED 16-3-2021 ISSUED BY THE GOVERNMENT.

ANNEXURE A13

TRUE COPY OF THE ORDER, G.O.(RT) NO.
452/2021/TRANSPORT DATED 17-12-2021 ISSUED BY
THE GOVERNMENT.

ANNEXURE A14

TRUE COPY OF THE AMENDMENT TO THE SPECIAL RULES
ISSUED AS PER G.O.(P) NO. 4/2022/ TRANS. (SRO
NO. 149/2021) DATED 16-2-2022 ISSUED BY THE
GOVERNMENT.

ANNEXURE A15

TRUE COPY OF THE JUDGMENT OF THE HONOURABLE
SUPREME COURT REPORTED IN 1994 (4) SCC 301
(S.SATHYAPAL REDDY VS. GOVERNMENT OF A.P.).

ANNEXURE A16

TRUE COPY OF THE DEBATES BEFORE THE STATE
LEGISLATURE OBTAINED UNDER THE RTI ACT DATED 3-
8-2021 AND 11-11-2021.

EXHIBIT P1

TRUE COPY OF THE ORIGINAL APPLICATION, O.A.(EKM)
NO. 432 OF 2022, FILED BY THE PETITIONERS/
APPLICANTS BEFORE THE HONOURABLE K.A.T.

EXHIBIT P2

TRUE COPY OF THE ORDER IN O.A.(EKM) NO. 432/2022
AND CONNECTED CASES DATED 20-7-2022 PASSED BY
THE HONOURABLE KERALA ADMINISTRATIVE TRIBUNAL.

EXHIBIT P3

TRUE COPY OF THE ADOPTION MEMO FILED BY THE



GOVERNMENT IN O.A.(EKM) NO. 432/2022 TO ADOPT
THE REPLY STATEMENT FILED IN O.A.(EKM) NO.
440/2022.

EXHIBIT P4

TRUE COPY OF THE REJOINDER FILED BY THE
APPLICANTS/ PETITIONERS DATED 5-12-2022 BEFORE
THE HONOURABLE TRIBUNAL.

EXHIBIT P5

TRUE COPY OF THE ADDITIONAL REPLY STATEMENT
DATED 9-3-2023 FILED BY THE 1ST RESPONDENT
BEFORE THE HONOURABLE TRIBUNAL.



APPENDIX OF OP(KAT) 443/2023

PETITIONERS ANNEXURES & EXHIBITS

ANNEXURE A1	TRUE COPY OF THE GOVERNMENT OF INDIA NOTIFICATION BY S.O. 443(E) DATED 12.06.1989.
ANNEXURE-A2	TRUE COPY OF THE G.O.(P)NO.91/81/ TF&P DATED 05.10.1981 AS PUBLISHED IN KERALA GAZETTE EXTRA ORDINARY DATED 14.10.1981.
ANNEXURE-A3	TRUE COPY OF THE FILE NO.TRANS-C3/239/ 218- TRANS(COMPUTER NO.853412) .
ANNEXURE-A4	TRUE COPY OF THE GOVERNMENT LETTER NO.A1-E- 68383/2019/TC DATED 02.07.2019.
ANNEXURE-A5	TRUE COPY OF THE LETTER NO.C3/239/ 2018-TRANS DATED 15.10.2020 OF THE 1ST RESPONDENT.
ANNEXURE-A6	TRUE COPY OF THE MINUTES OF THE MEETING HELD ON 04.11.2020.
ANNEXURE-A7	TRUE COPY OF THE CURRENT CASE STATUS OF O.A. (EKM)NO.1635 OF 2020, DOWNLOADED FROM THE WEBSITE OF THIS HON'BLE TRIBUNAL.
ANNEXURE-A8	TRUE COPY OF THE G.O.(MS)NO.10/ 2021/TRANS DATED 27.02.2021.
ANNEXURE-A9	TRUE COPY OF THE G.O.(MS)NO.11/ 2021/TRANS DATED 16.03.2021.
ANNEXURE-A10	TRUE COPY OF THE LETTER NO.C3/286/ 2020-TRANS DATED 19.03.2021 OF THE 1ST RESPONDENT.
ANNEXURE-A10 (A)	TRUE COPY OF THE MINUTES OF THE SECRETARY LEVEL MEETING HELD ON 20.03.2021.
ANNEXURE-A11	TRUE COPY OF THE LETTER NO.05/ 2014/CORS(VOL.8) DATED 12.07.2019 OF THE



SUPREME COURT COMMITTEE.

- ANNEXURE-A12** TRUE COPY OF THE GOVERNMENT CIRCULAR
NO.11884/R1/07/P&ARD DATED 19.07.2010.
- ANNEXURE-A13** TRUE COPY OF THE GOVERNMENT CIRCULAR
NO.RULES-129/2016/P&ARD DATED 18.08.2016.
- ANNEXURE-A14** TRUE COPY OF THE RELEVANT EXTRACT OF THE LIST
OF SERVICES PROVIDED FROM RT OFFICES AND SUB
RT OFFICES.
- ANNEXURE-A15** TRUE COPY OF THE RELEVANT EXTRACT OF THE
MOTOR VEHICLES AMENDMENT ACT, 2019.
- ANNEXURE-A16** TRUE COPY OF THE FINAL ORDER DATED 10.09.2021
IN O.A. (EKM)NO.691/202 AND CONNECTED CASES OF
THIS HON'BLE TRIBUNAL.
- ANNEXURE-A17** TRUE COPY OF THE HEARING NOTE SUBMITTED
BEFORE GOVERNMENT FILED ON BEHALF OF THE
KERALA MOTOR VEHICLES DEPARTMENT STAFF
ASSOCIATION.
- ANNEXURE-A18** TRUE COPY OF THE G.O.(P)NO.4/2022/ TRANS
DATED 16.02.2022 PUBLISHED AS SRO NO.149/2022
IN KERALA GAZETTE EXTRA ORDINARY DATED
16.02.2022.
- ANNEXURE-A19** TRUE COPY OF THE STATEMENT DATED 28.02.2005
IN W.P. (C)NO.20472/2004 FILED BY THE
GOVERNMENT.
- EXHIBIT -P1** TRUE COPY OF O.A. (EKM)NO.414/2022 FILED
BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL,
ADDITIONAL BENCH, ERNAKULAM.
- EXHIBIT-P2** TRUE COPY OF THE ADOPTION MEMO FILED BY THE
GOVERNMENT PLEADER TO ADOPT THE REPLY
STATEMENT FILED IN O.A. (EKM) NO.440/20222 OF
THE HON'BLE KAT



EXHIBIT-P3

**TRUE COPY OF THE FINAL ORDER DATED 20.07.2023
IN O.A. (EKM) 414/2022 OF THE KERALA
ADMINISTRATIVE TRIBUNAL.**



APPENDIX OF OP(KAT) 490/2023

PETITIONER ANNEXURES & EXHIBITS

ANNEXURE A1	TRUE COPY OF THE ORDER, G.O.(P) NO. 91/81/TF&P DATED 5-10-1981 ISSUED BY THE GOVERNMENT.
ANNEXURE A2	TRUE COPY OF THE DRAFT NOTIFICATION NO. C3/239/2018-TRANS DATED 15-10-2020 ISSUED BY THE GOVERNMENT.
ANNEXURE A3	TRUE COPY OF THE LETTER NO. A1/E- 68383/2019/TC DATED 2-7-2019 SENT BY THE TRANSPORT COMMISSIONER TO THE 1ST RESPONDENT.
ANNEXURE A4	TRUE COPY OF THE ORDER, G.O.(MS) NO. 10/ 2021 / TRANS DATED 27-2-2021 ISSUED BY THE GOVERNMENT.
ANNEXURE A5	TRUE COPY OF THE ORDER, G.O.(MS) NO. 11/2021/ TRANS DATED 16-3-2021 ISSUED BY THE GOVERNMENT.
ANNEXURE A6	TRUE COPY OF THE LETTER NO. C3/286/2020 - TRANS DATED 19-3-2021 ISSUED BY THE 1ST RESPONDENT.
ANNEXURE A7	TRUE COPY OF THE DRAFT NOTIFICATION ISSUED BY THE GOVERNMENT, ENCLOSED ALONG WITH ANNEXURE A6.
ANNEXURE A8	TRUE COPY OF THE ORDER, G.O.(RT) NO. 452/2021/TRANSPORT DATED 17-12-2021 ISSUED BY THE GOVERNMENT.
ANNEXURE A9	TRUE COPY OF THE NOTIFICATION NO. G.O.(P) NO. 4/2022/ TRANS DATED 16-2-2022 ISSUED BY THE GOVERNMENT.
ANNEXURE A10	TRUE COPY OF THE MINUTES OF THE MEETING HELD ON 2-7-2019 OF THE SUPREME COURT COMMITTEE ON ROAD SAFETY.



ANNEXURE A11	TRUE COPY OF THE CIRCULAR NO. 11884/R1/07/ P&ARD DATED 19-7-2010 ISSUED BY THE 1ST RESPONDENT.
ANNEXURE A12	TRUE COPY OF THE STATEMENT SHOWING THE SERVICES PROVIDED FROM THE REGIONAL TRANSPORT OFFICES AND SUB REGIONAL TRANSPORT OFFICES.
ANNEXURE A13	TRUE COPY OF THE RELEVANT PAGES OF THE MOTOR VEHICLES (AMENDMENT) ACT, 2019.
ANNEXURE A14	TRUE COPY OF THE MINUTES OF THE MEETING DATED 4-11-2020 BETWEEN THE PRINCIPAL SECRETARY WITH THE SERVICE ASSOCIATIONS.
ANNEXURE A15	TRUE COPY OF THE NOTIFICATION, S.O. 443 (E) DATED 12-6-1989 ISSUED BY THE GOVERNMENT.
EXHIBIT P1	TRUE COPY OF THE ORIGINAL APPLICATION, O.A. (EKM) NO. 423/2022 FILED BY THE PETITIONERS BEFORE THE HONOURABLE K.A.T.
EXHIBIT P2	TRUE COPY OF THE REPLY STATEMENT DATED 26-9- 2022 FILED BY THE GOVERNMENT IN SIMILAR CONNECTED CASE IN O.A. (EKM) NO. 440/2022 BEFORE THE HONOURABLE K.A.T.
EXHIBIT P3	TRUE COPY OF THE ORDER DATED 20-7-2023 IN O.A. (EKM) NO. 423/2022 OF THE HONOURABLE K.A.T. (ERNAKULAM BENCH).



APPENDIX OF OP(KAT) 517/2023

PETITIONERS ANNEXURES & EXHIBITS

ANNEXURE-A1	TRUE COPY OF SPECIAL RULES OF THE KERALA TRANSPORT SERVICE, 1981 PUBLISHED AS GO(P) NO.91/1981/TR&P DATED 05.10.1981
ANNEXURE-A2	TRUE COPY OF NOTIFICATION ISSUED BY THE CENTRAL GOVERNMENT NO. SO. 443 (E) DATED 12.06.1989
ANNEXURE-A3	TRUE COPY OF THE JUDGMENT K. BASHEER VS. KERALA ASSISTANT MOTOR VEHICLE INSPECTORS' ASSOCIATION AND OTHERS REPORTED IN ILR 1995 (1) KER 284
ANNEXURE-A4	TRUE COPY OF THE DRAFT SPECIAL RULES 2020 (AMENDMENT)
ANNEXURE-A5	TRUE COPY OF THE DRAFT PROPOSAL
ANNEXURE-A6	TRUE COPY OF GO (MS) NO.11/2021/TRANS ISSUED BY THE 1ST RESPONDENT DATED 16.03.2021
ANNEXURE-A7	TRUE COPY OF THE DRAFT RULES ISSUED BY THE 1ST RESPONDENT DATED NIL
ANNEXURE-A8	TRUE COPY OF THE MINUTES OF THE SUPREME COURT COMMITTEE ON ROAD SAFETY
ANNEXURE-A9	TRUE COPY OF GO (P) NO 4/2022/TRANS DATED 16.02.2022
ANNEXURE-A10	TRUE COPY OF THE CITIZEN CHART ISSUED FROM THE MOTOR VEHICLES DEPARTMENT KERALA DATED NIL
ANNEXURE-A11	TRUE COPY OF THE LETTER FROM TRANSPORT COMMISSIONER TO THE SECRETARY TO GOVERNMENT TRANSPORT (C) DEPARTMENT DATED 02.07.2019



ANNEXURE-R3 (A)	TRUE COPY OF THE QUESTION AND ANSWER IN RESPECT OF QUESTION NO.1790 OF THE 3RD ASSEMBLY MEETING OF THE 15TH KERALA LEGISLATIVE ASSEMBLY DATED 08.10.2021
ANNEXURE-R3 (B)	TRUE COPY OF NOTIFICATION ISSUED BY TJE GOVERNMENT AS GO(P)NO.1/84/TF & P DATED 02.01.1984
EXHIBIT-P1	TRUE COPY OF MEMORANDUM OF ORIGINAL APPLICATION, OA(EKM) NO.410/2022 FILED BEFORE THE KERALA ADMINISTRATION TRIBUNAL.
EXHIBIT-P2	TRUE COPY OF THE ADOPTION MEMO FILED BY THE 1ST RESPONDENT DATED 21.10.2022
EXHIBIT-P3	TRUE COPY OF THE REPLY STATEMENT FILED BY THE 1ST RESPONDENT IN OA 440/2022 DATED 26.09.2022
EXHIBIT-P4	TRUE COPY OF REPLY STATEMENT DATED 27.01.2023 FILED BY ADDITIONAL 3RD RESPONDENT
EXHIBIT-P5	TRUE COPY OF THE REPLY STATEMENT FILED BY THE ADDITIONAL RESPONDENTS 4-5, DATED 18.10.2022
EXHIBIT-P6	TRUE COPY OF THE COMMON ORDER PASSED IN OA(EKM) 410/202 AND CONNECTED CASES DATED 20.07.2023 OF THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM, ADDITIONAL BENCH, ERNAKULAM.



APPENDIX OF OP(KAT) 560/2023

PETITIONERS ANNEXURES & EXHIBITS

ANNEXURE A1	TRUE COPY OF THE KERALA TRANSPORT SERVICE (AMENDMENT) SPECIAL RULES, 2022 NOTIFIED IN KERALA GAZETTE EXTRA ORDINARY G.O. (P)NO.4/2022/TRAN DATED 16.2.2022
ANNEXURE A2	TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES DATED 02.07.2019 OF THE SUPREME COURT COMMITTEE ON ROAD SAFETY (PAGE 115, 116, 117, 118 AND 124) ALONG WITH THE COVERING LETTER DATED 12.07.2019 OF THE SECRETARY OF THE SUPREME COURT COMMITTEE ON ROAD SAFETY TO THE MINISTRY OF ROAD TRANSPORTS AND HIGH WAYS, NEW DELHI
ANNEXURE A3	TRUE COPY OF THE CIRCULAR NO. 11884/R1/07/P & ARD DATED 19.07.2010.
ANNEXURE A4	TRUE COPY OF THE RELEVANT PAGES OF KERALA MOTOR VEHICLES ID ON VOLUME II CONTAINING THE POWERS, DUTIES AND FUNCTIONS OF THE OFFICERS OF MOTOR VEHICLES DEPARTMENT
ANNEXURE A5	TRUE COPY OF THE COMPARATIVE TABLE SHOWING THE DUTIES AND FUNCTIONS OF THE OFFICERS OF MOTOR VEHICLES DEPARTMENTS. PRIOR TO AND AFTER THE AMENDMENT OF THE ACT
EXHIBIT P1	THE TRUE COPY OF THE APPLICATION IN O.A (EKM) NO.422/2022
EXHIBIT P2	A TRUE COPY OF THE COMMON JUDGMENT IN O.A (EKM) NO.422/2022



APPENDIX OF OP(KAT) 491/2023

PETITIONERS ANNEXURES & EXHIBITS

ANNEXURE A1	TRUE COPY OF THE PROPOSED KERALA TRANSPORT SERVICE (AMENDMENT) SPECIAL RULES, 2020.ALONG WITH TYPED COPY
ANNEXURE A2	TRUE COPY OF THE SPECIAL RULES OF KERALA TRANSPORT SERVICE RULES, 1981 (PRE-AMENDMENT).ALONG WITH TYPED COPY
ANNEXURE A3	TRUE COPY OF THE ORDER DATED 10.09.2021 IN O.A (EKM) NO. 1647/2020 PASSED BY THE HON'BLE KERALA ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH
ANNEXURE A3 (A)	TRUE COPY OF G.O NO. 452/2021/TRANS DATED 17.12.2021.
ANNEXURE A4	TRUE COPY OF THE G.O(P) NO.4/2022/TRANS DATED 16.02.2022 ISSUED BY THE 1 ST RESPONDENT CONTAINING THE KERALA TRANSPORT SERVICE (AMENDMENT) SPECIAL RULES 2022.
ANNEXURE A5	TRUE COPY OF THE JUDGMENT DATED 28.05.1982 IN O.P.NO.5612/1981 AND CONNECTED CASES ALONG WITH TYPED COPY
ANNEXURE A6	TRUE COPY OF THE JUDGMENT DATED 24.11.1994 IN W.A.NO.1105/1994 ALONG WITH TYPED COPY
ANNEXURE A7	TRUE COPY OF THE ORDER DATED 5.07.2019 IN T.A.NO.6681/2012 ALONG WITH TYPED COPY
ANNEXURE A8	TRUE COPY OF THE LETTER NO.A1/E-68383/19 DATED 2.07.2019 ALONG WITH TYPED COPY
ANNEXURE A9	TRUE TABLE PREPARED BY THE APPLICANTS AND OTHERS WHICH LISTS OUT THE SERVICE PROVIDED FROM THE SUB- REGIONAL TRANSPORT OFFICES AND THE REGIONAL TRANSPORT OFFICES INDICATING



**THEIR NATURE AND MISCELLANEOUS APPLICATION TO
JOIN THE APPLICANTS**

- EXHIBIT P1** **TRUE COPY OF THE MEMORANDUM OF THE OA
(EKM)NO.440/2022 ALONG WITH ITS ANNEXURES**
- EXHIBIT P2** **TRUE COPY OF THE REPLY STATEMENT FILED ON
BEHALF OF THE 1 ST RESPONDENT DATED
26.09.2022**
- EXHIBIT P3** **TRUE COPY OF THE ORDER DATED 20.07.2023 IN
O.A(EKM)NO.440/2022 OF THE KERALA
ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.**
- EXHIBIT P4** **IMPLEADING PETITION FILED BY THE RESPONDENT
NO.4**
- EXHIBIT P5** **IMPLEADING PETITION FILED BY THE RESPONDENTS
NO.5 AND 6**
- EXHIBIT P6** **TRUE COPY OF THE LETTER NO.A1/319/2024-PC(I)
DATED 10.09.2024 ISSUED BY THE TRANSPORT
COMMISSIONER, THIRUVANANTHAPURAM TO ALL THE
DEPUTY TRANSPORT COMMISSIONERS.**