

L/22416/TC/2008

Transport Commissionerate  
Kerala, Thiruvanthapuram  
Dated 13-12-2008.

Circular No 28/2008

Sub:- Non-furnishing of instructions in time in the Writ Petitions pending before the High Court of Kerala -Instructions issued - reg.

Ref.:- Letter from Sudha Devi N, Government Pleader, Office of the Advocate General, Ernakulam, dated 07-11-2008.

Citing the reference above, the Government Pleader has informed that a large number of cases in respect of grant and issue of regular permits, variation of permits, reissue of temporary permits replacement, transfer of permit etc, are coming up before the Honourable High Court daily. At the time of admission, the Honourable Court usually directs the Government Pleader to get instruction from the Regional Transport Officer concerned. Since the Government Pleader is unable to send written messages in all the cases, the Liaison Officer is instructed to inform the Regional Transport Officer concerned about the case. Even though the Liaison Officer gives the particulars of the vehicle and the main prayer in the Writ Petition, the Regional Transport Officers concerned often do not give proper instruction before the next posting date.

Since the Government pleader is not able to get instruction in time, the Honourable Court has decided to issue notice on admission to the Officers concerned. The Honourable Court has already observed that there is lapse on the part of the Officers in giving instructions in time. In the cases, where notice on admission is issued, the next posting date will be on the 8th or 10th day. The court pointed out that after

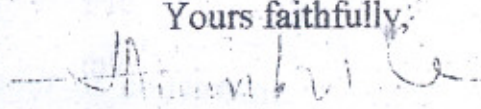


receiving a copy of the Writ Petition if the Regional Transport Officer does not give instruction in time, personal appearance of the Regional Transport Officer will be ordered. In most of the cases the Regional Transport Officer would not give any instruction, The Honourable Court is constrained to dispose of the matter with a direction to consider and pass order on the application submitted by the petitioners.

Hence all the Deputy Transport Commissioner's, Regional Transport Officer's, and Joint Regional Transport Officer's are directed to pay urgent attention on all High Court cases and to send immediate instruction on time to the Advocate General/Government Pleader. If proper instructions are not furnished on receipt of the copy of the Writ petition, adverse orders will be passed by the court against the Officer concerned. If such instances are pointed out by the court in future departmental action will be initiated against officer's responsible

Please acknowledge receipt.

Yours faithfully,

  
Additional Transport Commissioner

To,

All D.T.C's /R.T.O's/Jt R.T.O's of Sub R.T. Offices.

Copy to,

C.A's to Addl T.C, Senior D.T.C & Secretary S.T.A, Senior D.T.C Taxation, Sr A.O, Sr F.O, L.O, Accounts Officer, All section Supdts and section Clerks of Head Office.