

Kerala High Court

Rajan vs Regional Transport Authority on 17 October, 2008

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 18681 of 2005(Y)

1. RAJAN, S/O.MURUKESAN,
... Petitioner

Vs

1. REGIONAL TRANSPORT AUTHORITY,
... Respondent

2. K.P.ABDUL JALEEL,

3. STATE TRANSPORT APPELLATE TRIBUNAL,

For Petitioner :SRI.P.DEEPAK

For Respondent :SRI.BINOY VASUDEVAN

The Hon'ble MR. Justice K.BALAKRISHNAN NAIR

Dated :17/10/2008

O R D E R

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.18681 OF 2005

Dated this the 17th day of October, 2008

J U D G M E N T

~~~~~ The petitioner challenges Ext.P12 order of the State Transport Appellate Tribunal. That order was passed in an appeal filed by the 2nd respondent herein against Ext.P10 order of the Regional Transport Authority, Kozhikode. The petitioner points out that the computation of the number of permits, available in the general quota, made by the S.T.A.T. for allowing the appeal was based on Ext.P6 judgment in O.P.No.22470/2002. The said judgment was rendered relying on Ext.P5 interim order in O.P.12890/2002. But, that judgment no longer survives, in view of the final

disposal of O.P.No.12890/2002, a copy of which is produced as Ext.P8 dated 12.9.2008. The petitioner points out that when Ext.P10 decision was taken there were only 400 permits available in terms of Ext.P2 notification. The 8 permits operated by the members of the Scheduled Castes were not granted under the SC quota, but were obtained by the members of the SC, in the usual course. So, those 8 permits cannot be adjusted against the quota set apart for SC/ST. In Ext.P10 it is found that under the general quota already 361 permits were issued. So the assumption that there were further permits available in the general quota made in Ext.P6 is untenable. Based on that untenable assumption, the Tribunal made Ext.P10 order, it is contended.

2. But, I notice that Ext.P6 is a final judgment of this Court which the Tribunal cannot ignore. I am also bound by that judgment because it is the judgment of a superior court of unlimited jurisdiction. It cannot be treated as void and therefore cannot be attacked collaterally. Therefore, the relief sought by the petitioner against Ext.P12 cannot be granted, as long as Ext.P6 remains in force. So, without prejudice to the rights, if any, of the petitioner to work out his remedy against Ext.P6, the writ petition is closed.

(K.BALAKRISHNAN NAIR, JUDGE) ps