



GOVERNMENT OF KERALA

Abstract

Transport Department – KSRTC-SWIFT Ltd. - Release of Rs. 287.50 lakh towards preliminary expense of the Company by converting Rs. 1 Crore as Share Capital of Government - Orders issued.

TRANSPORT (A) DEPARTMENT

G.O.(Ms)No.5/2022/TRANS

Dated, Thiruvananthapuram: 19.03.2022.

Read: - 1. G.O.(Ms) No. 58/2021/Tran dated 11.12.2021.
2. Letter No. KSWIFT/09/2021 dated 22.06.2021 & 20.12.2021 from the Chairman & Managing Director, KSRTC-SWIFT.

ORDER

In the Government Order read as 1st paper above, a legally independent company under the name KSRTC-SWIFT Ltd. was formed for the purpose of efficient and economic operation of the new buses purchased by availing loan from KIIFB and also for the long distance / Super Class services of KSRTC after entering an agreement with KSRTC for sharing the operational surplus as user charges license fees, for the bus and bus routes as well as for availing services such as depots, maintenance services, ticketing services as per the objectives and features mentioned therein. As per the letter read as 2nd paper above, the Chairman & Managing Director, KSRTC-SWIFT Ltd. has informed that the initial works related to the company are in progress and requested to allot an amount of Rs. 575 lakh from the allocation of Rs. 15 Crore, for meeting the preliminary expenses.

2. Government have examined the matter in detail and hereby release and amount of Rs.287.5 lakh (50% of 575 lakh), by converting Rs. 1 Crore (One Crore

only) as Share Capital of Government from the Head of account '7055-00-190-93', for meeting the preliminary expenses of KSRTC-SWIFT Ltd.

By order of the Governor
BIJU PRABHAKAR
SECRETARY

To,

The Chairman & Managing Director, KSRTC-SWIFT Ltd.
The Principal Accountant General (A&E)/Audit, Kerala, Thiruvananthapuram.
The District Treasury Officer, District Treasury, Thiruvananthapuram.
The Sub Treasury Officer, Secretariat Sub Treasury, Thiruvananthapuram.
The Planning & Economic Affairs Department.
Finance (Planning B) Department
Finance (PU-A) Department
The General Administration (SC) Department
(vide item No. 614 dated 16.03.2022)
The Information & Public Relations (Web & New Media) Department
(For uploading the Government Order in the official website)
Stock File /Office Copy

Copy to:- APS to Minister (Transport)
P.A. to Secretary (Transport)

Forwarded/By order



Section Officer



രഹസ്യം

കേരള സർക്കാർ

മന്ത്രിസഭായോഗത്തിന്റെ നടപടിക്കുറിപ്പുകൾ

തീയതി : 16-03-2022

ഫയൽ നം. TRANS-A1/208/2020-TRANS.

ഇനം നം: 614

വിഷയം : ഗതാഗത വകുപ്പ് - KSRTC-SWIFT രൂപീകരിച്ചുകൊണ്ട് പുറപ്പെടുവിച്ച 19.02.2021-ലെ G.O.(Ms)No.7/2021/Trans ഉത്തരവിലെ ഉദ്ദേശ്യലക്ഷ്യങ്ങൾ പരിഷ്കരിച്ചുകൊണ്ട് 11.12.2021-ലെ G.O.(Ms) No.58/2021/Trans ഉത്തരവ് പുറപ്പെടുവിച്ച നടപടിക്ക് സാധൂകരണം നൽകുന്നതും 1 കോടി രൂപ സർക്കാരിന്റെ ഷെയർ ക്യാപ്പിറ്റലിലേക്ക് നൽകുന്നത് ഉൾപ്പെടെ KSRTC-SWIFT-ന് പ്രാരംഭ ഫണ്ട് ആയ 287.50 ലക്ഷം രൂപ അനുവദിക്കുന്നതും.

തീരുമാനം : കുറിപ്പിലെ നിർദ്ദേശം (1) - സാധൂകരിച്ചു.
(2) - അംഗീകരിച്ചു.

(ഒപ്പ്)

പിണറായി വിജയൻ

മുഖ്യമന്ത്രി

(ശരിപ്പകർപ്പ്)

ഡോ. വി പി ജോയ്
ചീഫ് സെക്രട്ടറി

SSC(9)
PC put up
now.
today day

സെക്രട്ടറി, ഗതാഗത വകുപ്പ്.

GOVERNMENT OF KERALA
(Sri. Pinarayi Vijayan Ministry)

Note for the Council of Ministers

1.	File No.	:	TRANS-A1/208/2020-TRANS
2.	Department	:	Transport (A) Department
3.	Subject	:	Ratification of the action in having issued G.O. (Ms) No. 58/2021/Trans dated 11.12.2021 whereby the objectives and features laid down for the formation of KSRTC-SWIFT ordered in G.O. (Ms) No. 7/2021/Trans 19.02.2021 was modified and also for allotting Rs. 287.50 lakhs as initial funds for KSRTC-SWIFT including Rs. 1 crore needed as Share Capital of Government.
4.	Date of Chief Minister's order for placing before the Council	:	04.12.2021
5.	(i) Does the case involve financial commitments/ Implications	:	Yes
	(ii) If the answer to the above is in the affirmative, whether Finance Department has been consulted and their remarks incorporated in the Council Note	:	Yes.
6.	Are any other departments concerned with the case and if so, have they been consulted and their remarks incorporated in the Note for the Council?	:	No.
7.	Name of Joint Secretary who submitted the Draft Note	:	Smt. Vijayasree K.S.
8.	Name of Secretary who approved the Draft Note	:	Shri. Biju Prabhakar
9.	Date of approval of the Draft Note for the Council by the Secretary	:	05.03.2022
10.	Name of Chief Secretary who approved the Draft Note	:	Dr. V.P. Joy
11.	Date of approval of the Draft Note for the Council by the Chief Secretary	:	05.03.2022
12.	Name of Minister who approved the Draft Note:	:	Shri. Antony Raju
13.	Date of approval of the draft note for the Council by the Minister	:	08.03.2022
14.	Date of submission of fair copies	:	
15.	Date of decision by the Council of Ministers	:	
16.	Number and date of the of G.O/letter communicating the decision	:	

NOTE FOR THE COUNCIL OF MINISTERS

This note is related to the ratification of the action in having issued G.O.(Ms) No. 58/2021/Trans dated 11.12.2021 whereby the formation of KSRTC-SWIFT ordered in G.O. (Ms) No. 7/2021/Trans dated 19.02.2021 was modified due to the various WP(C)s filed before the Hon'ble High Court of Kerala by Trade Unions in KSRTC and Kerala PSC rank holders and also release of fund to KSRTC-SWIFT by converting Rs. 1 crore into the Share Capital of the Government.

2. The Chairman & Managing Director, Kerala State Road Transport Corporation (KSRTC) had submitted a proposal for restructuring of the Corporation, in the name - 'KSRTC RESTRUCTURE 2.0' and the proposal was placed before the High Powered Committee under the Chairmanship of the Chief Minister, which met on 15.10.2020. The High Powered Committee entrusted a committee under the chairmanship of Additional Chief Secretary (Finance Department) for detailed scrutiny of the proposal and the committee met on 23.10.2020 approved the proposals submitted by the Chairman & Managing Director, KSRTC. One major project among these proposals is the formation of a new independent company by name - 'KSRTC-SWIFT' for operation of the fleet of new buses of the Corporation, being purchased by availing loan from Kerala Infrastructure Investment Fund Board (KIIFB). The formation of 'KSRTC-SWIFT' is necessitated due to the conditions put forward by KIIFB to avail loan for the purchase of new buses. The KIIFB is funding the purchase of 310 CNG buses, conversion of 400 existing diesel buses into LNG buses and also for the wet-lease of 50 Electric buses. Later an Ad-hoc Administrative Committee, set up for the purpose, met on 23.12.2020 under the Chairmanship of Additional Chief Secretary (Finance Department) and decided to go ahead with the proposal of a new subsidiary corporation or an independent company. Government also decided to entrust the Chairman & Managing Director, KSRTC to hold discussion with the recognized trade unions of KSRTC for better understanding. Accordingly, the Chairman & Managing Director had held discussion with the recognized trade unions of KSRTC. This issue was again discussed twice at Government level and in the meeting convened on 16th February, 2021 by the Chief Minister, it is decided to proceed with the formation of an independent company in the name 'KSRTC-SWIFT'.

3. As per G.O. (MS) No. 7/2021/TRANS dated 19.02.2021 a legally independent company under the name 'KSRTC-SWIFT' as per the stipulations of KIIFB, as a Special Purpose Vehicle (SPV), was formed for the purpose of efficient and economical operation of the new buses purchased by availing loan from KIIFB and also for the existing long distance/super-class services of KSRTC, after entering an agreement with the KSRTC for sharing the operational surplus as user charges/license fees, for the bus and bus routes as well as for availing the services

such as depots, maintenance services, ticketing services etc, as per the objectives and features mentioned below:

Objectives:

(i) for efficiently running the long distance services of KSRTC under a license agreement from KSRTC.

(ii) for operating efficiently the KIIFB funded new buses, buses under the State Plan schemes and the existing long distance buses of KSRTC under an Intelligent Central Control Centre.

(iii) in consideration of payment back to the KSRTC - for running its buses licensed under an agreement, through the routes of the corporation, and also by paying for the use of other services such as depots, workshops, cash counters etc.,

(iv) to pay back all the income of 'SWIFT' after operational expenses and repayment of KIIFB loan to KSRTC by which the corporation can take care of its loans, debts and welfare expenses of its employees.

Features:

(i) The Chairman & Managing Director, KSRTC shall be the ex-officio Chairman & Managing Director of the new company.

(ii) KSRTC-SWIFT will be an independent Government company - legally separated from KSRTC.

(iii) The functioning of the KSRTC-SWIFT will be dependent on KSRTC for various supports. KSRTC-SWIFT will pay user charges to KSRTC for using its infrastructure and utilizing other services of KSRTC. The infrastructure includes bus, bus route, bus depots, etc. The services include repair and maintenance of buses, services provided by the staff at the depot, etc. The new company will enter into an agreement with the KSRTC for not only availing these benefits but also obtaining other rights and privileges of KSRTC as an STU.

(iv) The new organization is to be incorporated for a limited period of 10 years.

(v) Empanelled employees who were terminated from KSRTC will be rehabilitated in 'KSRTC-SWIFT'. All the employees of 'KSRTC-SWIFT' including the top management will be appointed only on temporary basis and they will never be regularized. The terms and conditions of appointment of these temporary employees will be different from that exist in KSRTC. Additional operating/supervisory staffs, if any, required will be deployed from KSRTC by the Chairman & Managing Director, as and when it requires. All the officers and staff will be engaged only on the basis on an undertaking that they will abide by such terms and conditions as decided by the Ad-hoc Administrative Committee or Board of Directors (if in place) from time to time.

(vi) The strength of drivers and conductors in KSRTC-SWIFT for one bus shall be in the ratio 2:1 respectively.

(vii) The new CNG buses and Electric buses being procured with loan from KIIFB will be operated by this new entity. In addition to this, the long distance services being operated by KSRTC will also be transferred to SWIFT in phases.

(viii) 'KSRTC-SWIFT' will function as the fourth independent profit centre in addition to the existing three (North, Central and South) zones.

(ix) The company shall be formed for a period 10 years and all the assets acquired during its existence/transferred from KSRTC will be returned back to the corporation at the end of this period.

(x) The headquarters of the proposed company would be temporarily set up utilizing the existing infrastructure at the KSRTC bus station at Anayara, Thiruvananthapuram. All long distance services will commence from and terminate at Anayara station. Necessary courtesy / feeder services will be operated from the five depots to this station at desired intervals.

(xi) The authorized share capital of the company shall be Rs.100 lakh (Rupees one hundred lakh only).

4. Subsequently, the formation of KSRTC-SWIFT, has been challenged before the Hon'ble High Court of Kerala, through separate Writ Petitions filed by two persons in the expired list of drivers prepared by the KSPC for KSRTC and by two recognised Trade Unions of the Corporation, against the following actions:

- i) Formation of KSRTC-SWIFT and leasing out of assets and nationalised routes of KSRTC to the independent Government owned company KSRTC-SWIFT.
- ii) Re-engagement of empanelled employees in KSRTC-SWIFT who were retrenched as per orders of the Hon'ble High Court.

5. The main contention of the Trade Unions is against the leasing out of the Nationalised permits / routes as well as assets mainly the buses owned by the KSRTC to a totally independent Government owned company, namely KSRTC-SWIFT. The other two individuals, who claim to be the representatives of those in the expired list of KPSC, contended that the formation of KSRTC-SWIFT is a deliberate attempt by the Government to circumvent the various orders of Hon'ble High Court to accommodate the retrenched empanelled employees of KSRTC through an independent company mainly KSRTC-SWIFT.

6. Accordingly, the matter is discussed with the Advocate General, Kerala. The Advocate General informed that the ongoing the modifications in the G.O. (MS) No. 7/2021/TRANS dated 19.02.2021 are not against the provisions of the Road Corporations Act-1950 and Motor Vehicles Act-1988 and the Rules made there under. The proposed modifications do not violate any of the directions in the earlier judgement of Hon'ble High Court. Hence a fresh Government order incorporating the modifications can be issued.

7. Since the G.O.(MS) No.7/2021/Trans dated 19.02.2021 was issued with the approval of the Council of Ministers, any modification in the said Government Order need approval of the Council of Ministers.

8. In the circumstance, filed submitted to Hon'ble Chief Minister with the suggestion that to issue modified Government Order first, subject to ratification of Council of Ministers later. The Hon'ble Chief Minister approved the suggestion on 04.12.2021.

9. As per G.O.(Ms) No. 58/2021/Trans dated 11.12.2021, the G.O. (MS) No. 7/2021/TRANS dated 19.02.2021 is modified with the following objectives and features:

Objectives:

- i. for providing necessary infrastructural, technical, managerial, operational support to the KSRTC for efficiently running its long distance services of KSRTC under an agreement with KSRTC.
- ii. for operating efficiently the KIIFB funded new buses, buses acquired under the State Plan schemes, buses obtained under other schemes of State and Central Government, buses obtained under sponsorship, hire etc under an Intelligent Central Control Centre for KSRTC.
- iii. For implementing various projects and schemes entrusted by the Government from time to time.

Features:

- i. KSRTC-SWIFT will be an independent company, filly owned by Government and registered under the Companies Act.
- ii. The Chairman & Managing Director, KSRTC shall be the Ex-officio Chairman & Managing Director, KSRTC-SWIFT Ltd.
- iii. The Government shall appoint the members of the Board of Directors from time to time.
- iv. The KSRTC-SWIFT is to be incorporated from a limited period of 10 years.
- v. The headquarters of the proposed company would be at Thiruvananthapuram.
- vi. The authorised share capital of the Company shall be Rs. 100 lakh (Rupees One hundred lakh only).
- vii. All the assets acquired by the KSRTC SWIFT during its operation will be transferred to the KSRTC at the end of the 10 year period or at the time of winding up of the Company.
- viii. KSRTC to compensate KSRTC-SWIFT for infrastructural, technical, managerial, operational support provided to the KSRTC including the amount required for repayment of KIIFB loan, hire charges etc. as per the agreement signed between two organisations from time to time.

10. The sanction accorded by Government vide G.O. (MS) No. 7/2021/TRANS dated 19th February, 2021 for the following, will remain unchanged:

- i. Creation and filling up of five temporary posts of Senior Professional Managers, namely General Manager, DGM (Technical), DGM (Operations), AGM (Finance) & Company Secretary and AGM (HR) under the same terms and conditions of appointment on contract basis.

ii. Sanction accorded for an amount of Rs. 15 Crore (Rupees Fifteen Crore only) as additional authorisation under the head of account No.'5055-00-190-99-KSRTC Investments' to meet the preliminary expenses of the new company.

11. In this subject Law department's remarks as follows:

"19.02.2021-ലെ G.O.(MS)No.07/2021/Trans ഭേദഗതി വരുത്തി 11.12.2021-ലെ G.O.(MS)No.58/2021/Trans പുറപ്പെടുവിച്ചിട്ടുള്ളതാണ്. ഈ വിഷയം സംബന്ധിച്ചുള്ള ഭേദഗതി എ.ജി.യുടെ നിയമോപദേശ പ്രകാരമാണ് എന്ന് ഭരണവകുപ്പിന്റെ കുറിപ്പ് ഫയൽ നം. 174 ൽ നിന്ന് കാണാവുന്നതാണ്. കൂടാതെ ഈ വസ്തുത 19.02.2021-ലെ G.O.(MS)No.07/2021/Trans ചോദ്യം ചെയ്തുകൊണ്ട് ബഹു.ഹൈക്കോടതിയിൽ നിലവിലുള്ള WP(C)No.7077/2021 നമ്പർ കേസിൽ സർക്കാരിനു വേണ്ടി 2022 ജനുവരി മാസം ഫയൽ ചെയ്തിട്ടുള്ള അഡീഷണൽ അഫീഡവിറ്റ് പ്രകാരം ബഹു.കോടതിയെ ധരിപ്പിച്ചിട്ടുള്ളതായി കാണുന്നു. എന്നാൽ ഈ വിഷയം സംബന്ധിച്ചുള്ള മറ്റ് കേസുകളിൽ ഇപ്രകാരമുള്ള അഫീഡവിറ്റ് ഫയൽ ചെയ്തിട്ടില്ലെങ്കിൽ ആയത് ഫയൽ ചെയ്യേണ്ടതാണെന്ന് അറിയിക്കുന്നു. കൂടാതെ ഈ വിഷയം നിലവിലുള്ള കേസുകളിൽ, സർക്കാർ തുടർനടപടി തടഞ്ഞുകൊണ്ട് ഉത്തരവുകൾ ഒന്നും നിലവിലില്ല എന്ന വിവരം ഉറപ്പുവരുത്തേണ്ടതാണ് എന്ന കാര്യം കൂടി ഭരണവകുപ്പിനെ അറിയിക്കുന്നു."

12. Already, Government had filed Counter Affidavit before Hon'ble High Court in the Writ Petitions against KSRTC-SWIFT and the Hon'ble Court has passed an interim order dated 09-02-2022 as shown below:

"Having considered rival contentions, I feel that it may not be justified, if the selection process is stopped at this stage. Hence, I am inclined to permit the selection process to continue, pursuant to the above notification, subject to the specific direction that, no special preference or weightage shall be given to the earlier empanelled employees. Selection shall strictly be on merits and shall only be provisional, subject to the outcome of the writ petitions. It shall be made known to the selected candidates, in the light of this direction, undertaking given by the learned Advocate General will not continue and stands superceded by these direction. KSRTC-SWIFT shall consider the candidates sponsored by the employment exchange also."

Therefore as opined by the Law Department Government can go ahead with activities of KSRTC-SWIFT.

13. In the meantime, the Chairman & Managing Director has submitted a proposal to sanction an amount of Rs. 575 lakh provided under the Head of Account 7055-190-93, for meeting the preliminary expense of KSRTC-SWIFT.

14. The proposed expenditure as reported by the Chairman & Managing

Director is shown below:

Sl. No.	Item of Expenditure	Rs. in lakhs
1.	Company registration expenses	5
2.	Authorized Share Capital	100
3.	Setting up of Head quarters at Anayara	120
4.	Remunerations / incentive to staffs (for sanctioned positions)	90
5.	Office expenses (Stationary, electricity, water, printing etc)	10
6.	Development of website	5
7.	Application software development /package	10
8.	Furniture and fittings	10
9.	Computer and Peripherals	20
10.	Training of officers and operating crew	50
11.	Uniform cloth to operating crew	25
12.	Outsourcing of accounting and other miscellaneous works	50
13.	Administrative expenses (phone, water etc)	5
14.	Conveyance facility for top officers	15
15.	Travel and tour expenses of officers/Crew	25
16.	Facility management services	25
17.	Miscellaneous/unanticipated expenses	10
Total		575

15. The Finance Department has opined as follows;

“Finance agrees in principle to release 50% of the amount sought by AD and with the proviso that out of this Rs.1 crore will be converted into the share capital of the Government after Council approval. Subject to this condition, the proposal which has already been cleared earlier in a meeting held by CM on the restructuring of the KSRTC, can be agreed to, with the suggestion that the AD may go ahead and place the consolidated proposal before the Council of Ministers. Actual release can be made after Council approval.”

16. In the light of the remarks of Finance Department, the proposal for releasing an amount of Rs.287.5 lakh (50% of 575 lakh) by converting Rs. 1 crore as share capital of Government may be placed before the Council of Ministers for approval.

Points for decision

1. Whether the action in having issued the G.O. (Ms) No. 58/2021/Trans dated 11.12.2021 whereby the objectives and features of KSRTC-SWIFT as in G.O. (Ms) No. 7/2021/Trans dated 19.02.2021 were modified may be ratified.
2. Whether an amount of Rs. 287.5 lakh (50% of Rs. 575 lakhs) by converting Rs.1 crore as Share Capital of Government may be released from the Head of Account 7055-190-93, for meeting the preliminary expenditure of KSRTC-SWIFT.

കേരള സർക്കാർ
(ശ്രീ.പിണറായി വിജയൻ മന്ത്രിസഭ)
മന്ത്രിസഭാ യോഗത്തിനുള്ള കറിപ്പ്

1.	ഫയൽ നമ്പർ	:	TRANS-A/208/2020-TRANS
2.	വകുപ്പ്	:	ഗതാഗത (എ) വകുപ്പ്
3.	വിഷയം	:	KSRTC - SWIFT രൂപീകരിച്ചുകൊണ്ട് പുറപ്പെടുവിച്ച 19.02.2021-ലെ G.O. (MS) No. 7/2021/Trans ഉത്തരവിലെ ഉദ്ദേശ്യലക്ഷ്യങ്ങൾ പരിഷ്കരിച്ചുകൊണ്ട് 11.12.2021-ലെ G.O. (MS) No. 58/2021/Trans ഉത്തരവ് പുറപ്പെടുവിച്ച നടപടിക്ക് സാധൂകരണം നൽകുന്നതും 1 കോടി രൂപ സർക്കാരിന്റെ ഷെയർ ക്യാപ്പിറ്റലിലേക്ക് നൽകുന്നത് ഉൾപ്പെടെ KSRTC-SWIFT-ന് പ്രാരംഭ ഫണ്ട് ആയ 287.50 ലക്ഷം രൂപ അനുവദിക്കുന്നതും - സംബന്ധിച്ച്
4.	മന്ത്രിസഭായോഗത്തിൽ സമർപ്പിക്കാനുള്ള മുഖ്യമന്ത്രിയുടെ ഉത്തരവ് തീയതി	:	04.12.2021
5.	(i) ഇത് സാമ്പത്തിക ബാധ്യതയുള്ളതാണോ? (ii) സാമ്പത്തിക ബാധ്യതയുള്ളതാണെങ്കിൽ ധനകാര്യവകുപ്പുമായി ആലോചിച്ചിട്ടുണ്ടോ, ഉണ്ടെങ്കിൽ അവരുടെ അഭിപ്രായം മന്ത്രിസഭായോഗത്തിനുള്ള കറിപ്പിൽ ഉൾക്കൊള്ളിച്ചിട്ടുണ്ടോ?	:	അതെ. അതെ.
6.	മറ്റേതെങ്കിലും വകുപ്പുമായി ആലോചിച്ചിട്ടുണ്ടോ; ഉണ്ടെങ്കിൽ അവരുടെ അഭിപ്രായം മന്ത്രിസഭായോഗത്തിനുള്ള കറിപ്പിൽ ഉൾക്കൊള്ളിച്ചിട്ടുണ്ടോ?	:	ഇല്ല.
7.	കറിപ്പ് സമർപ്പിച്ച ജോയിന്റ് സെക്രട്ടറിയുടെ പേര്	:	ശ്രീമതി. വിജയശ്രീ കെ.എസ്.
8.	കറിപ്പ് അംഗീകരിച്ച സെക്രട്ടറിയുടെ പേര്	:	ശ്രീ. ബിജു പ്രഭാകർ
9.	മന്ത്രിസഭയ്ക്കുള്ള കരട് കറിപ്പ് സെക്രട്ടറി അംഗീകരിച്ച തീയതി	:	05.03.2022
10.	കറിപ്പ് അംഗീകരിച്ച ചീഫ് സെക്രട്ടറിയുടെ പേര്	:	ഡോ. വി.പി. ജോയ്
11.	മന്ത്രിസഭയ്ക്കുള്ള കരട് കറിപ്പ് ചീഫ് സെക്രട്ടറി അംഗീകരിച്ച തീയതി	:	05.03.2022
12.	കറിപ്പ് അംഗീകരിച്ച മന്ത്രിയുടെ പേര്	:	ശ്രീ. ആന്റണി രാജു
13.	മന്ത്രിസഭയ്ക്കുള്ള കരട് കറിപ്പ് മന്ത്രി അംഗീകരിച്ച തീയതി	:	08.03.2022
14.	കറിപ്പിന്റെ പകർപ്പുകൾ സമർപ്പിച്ച തീയതി	:	
15.	മന്ത്രിസഭായോഗം തീരുമാനമെടുത്ത തീയതി	:	
16.	തീരുമാനം പുറപ്പെടുവിച്ച സർക്കാർ ഉത്തരവ് കത്തിന്റെ നമ്പറും തീയതിയും	:	

മന്ത്രിസഭായോഗത്തിനുള്ള കുറിപ്പ്

19.02.2021-ലെ G.O. (MS) No.7/2021/Trans ഉത്തരവ് പ്രകാരം KSRTC-SWIFT രൂപീകരിച്ചതിനെതിരെ KSRTC-യിലെ അംഗീകൃത ട്രേഡ് യൂണിയനുകളും കാലാവധി കഴിഞ്ഞ പി.എസ്.സി. റാങ്ക് ലിസ്റ്റിൽ ഉൾപ്പെട്ടവരും ബഹു. ഹൈക്കോടതി മുമ്പാകെ റിട്ട് പെറ്റീഷനുകൾ ഫയൽ ചെയ്തതിന്റെ അടിസ്ഥാനത്തിൽ 11.12.2021-ലെ G.O. (MS) No. 58/2021/Trans പ്രകാരം മേൽ G.O. പരിഷ്കരിച്ച നടപടിയ്ക്ക് സാധൂകരണം നൽകുന്നതും ഒരു കോടി രൂപ സർക്കാരിന്റെ ഷെയർ ക്യാപ്പിറ്റലിലേക്ക് മാറ്റിക്കൊണ്ട് KSRTC-SWIFT-ന് ഫണ്ട് അനുവദിക്കുന്നതും സംബന്ധിച്ചാണ് ഈ കുറിപ്പിൽ പ്രതിപാദിക്കുന്നത്.

2. കെ.എസ്.ആർ.ടി.സി.യുടെ പുനരുദ്ധാരണത്തിനായി കെ.എസ്.ആർ.ടി.സി. ചെയർമാൻ & മാനേജിംഗ് ഡയറക്ടർ സമർപ്പിച്ച 'KSRTC-SWIFT' രൂപീകരണം ഉൾപ്പെടെയുള്ള 'KSRTC RESTRUCTURE 2.0' എന്ന പ്രോപ്പോസൽ 15.10.2020-ന് ബഹു.മുഖ്യമന്ത്രിയുടെ അദ്ധ്യക്ഷതയിൽ ചേർന്ന ഉന്നതതലകമ്മിറ്റി ചർച്ചചെയ്യുകയും ടി പ്രോപ്പോസൽ പരിശോധിക്കുന്നതിനായി ധനകാര്യ വകുപ്പ് അഡീഷണൽ ചീഫ് സെക്രട്ടറി അദ്ധ്യക്ഷനായ ഒരു സബ് കമ്മിറ്റിയെ ടി ഉന്നതതലകമ്മിറ്റി നിയോഗിക്കുകയും ചെയ്തിരുന്നു. കിഫ്ബി വായ്പ മുഖേന കെ.എസ്.ആർ.ടി.സി. വാങ്ങുന്ന പുതിയ ബസ്സുകൾ ഓടിക്കുന്നതിനായി 'KSRTC-SWIFT' എന്ന പേരിൽ ഒരു സ്വതന്ത്ര കമ്പനിയുടെ രൂപീകരണമാണ് കെ.എസ്.ആർ.ടി.സി., ചെയർമാൻ & മാനേജിംഗ് ഡയറക്ടറുടെ പ്രോപ്പോസലിലെ പ്രധാന നിർദ്ദേശം. പുതിയ ബസ്സുകൾ വാങ്ങുന്നതിനായി കിഫ്ബി അനുവദിക്കുന്ന വായ്പയിലെ വ്യവസ്ഥകൾ പ്രകാരമാണ് KSRTC-SWIFT രൂപീകരണം ആവശ്യമായി വന്നിട്ടുള്ളത്. 310 സി.എൻ.ജി. ബസ്സുകൾ വാങ്ങുന്നതിനും 400 ഡീസൽ ബസ്സുകൾ എൽ.എൻ.ജി.യിലേക്ക് മാറ്റുന്നതിനും കൂടാതെ 50 ഇലക്ട്രിക് ബസ്സുകൾ വെറ്റ് ലീസിന് എടുക്കുന്നതിനുമായിട്ടാണ് കിഫ്ബി വായ്പ അനുവദിച്ചിട്ടുള്ളത്. തുടർന്ന്, 'KSRTC-SWIFT' രൂപീകരണവുമായി ബന്ധപ്പെട്ട കാര്യങ്ങൾ തീരുമാനിക്കുന്നതിനായി ധനകാര്യ വകുപ്പ് അഡീഷണൽ ചീഫ് സെക്രട്ടറി അദ്ധ്യക്ഷനായ ഒരു അഡ്ഹോക്ക് അഡ്മിനിസ്ട്രേറ്റീവ് കമ്മിറ്റി 23.12.2020-ൽ ചേരുകയും, കിഫ്ബിയുടെ നിബന്ധനയ്ക്ക് വിധേയമായി ഒരു സബ്സിഡറി കോർപ്പറേഷൻ അല്ലെങ്കിൽ ഒരു സ്വതന്ത്ര കമ്പനി രൂപീകരണവുമായി മുന്നോട്ടു പോകാൻ തീരുമാനിക്കുകയും ചെയ്തു. കൂടാതെ, ഇക്കാര്യത്തിൽ ജീവനക്കാരുടെ സംഘടനകളുമായി സമവായത്തിൽ എത്തുവാൻ കെ.എസ്.ആർ.ടി.സി. ചെയർമാൻ & മാനേജിംഗ് ഡയറക്ടറെ ചുമതലപ്പെടുത്തുകയും ചെയ്തു. ഈ വിഷയം സർക്കാർ തലത്തിൽ രണ്ടുപ്രാവശ്യം ചർച്ച നടത്തിയതിന്റെയും 16.02.2021-ൽ ബഹു.മുഖ്യമന്ത്രിയുടെ നേതൃത്വത്തിൽ നടന്ന ചർച്ചയുടേയും അടിസ്ഥാനത്തിൽ 'KSRTC-SWIFT' എന്ന സ്വതന്ത്ര കമ്പനി രൂപീകരിക്കുന്ന നടപടി തുടരാൻ തീരുമാനിച്ചു.

3. തുടർന്ന് ടിക്കറ്റിംഗ് സർവ്വീസ്, മെയിറ്റനൻസ് സർവ്വീസ്, ബസ്സുകൾ ബസ് റൂട്ടുകൾ ഡിപ്പോകൾ കൂടാതെ മറ്റ് സേവനങ്ങൾ, യൂസർ ചാർജ് / ലൈസൻസ് ചാർജ് പ്രവർത്തനമിച്ച് തുടങ്ങിയ വിഷയങ്ങളിൽ KSRTC-യുമായി ഒരു കരാറിൽ ഏർപ്പെട്ടുകൊണ്ട് KSRTC-യിലെ ദീർഘദൂര / സൂപ്പർ ക്ലാസ്സ് സർവ്വീസ് കിഫ്ബി വായ്പ ഉപയോഗിച്ച് വാങ്ങുന്ന ബസ്സുകൾ ഉപയോഗിച്ച് ലാഭകരമായി പ്രവർത്തിപ്പിക്കുക എന്ന ലക്ഷ്യത്തോടുകൂടി കിബ്ഫിയുടെ നിബന്ധനകൾക്ക് വിധേയമായി, ഒരു നിയമപരമായി സ്വതന്ത്ര കമ്പനിയായ KSRTC-

SWIFT, Special Purpose Vehicle ആയി 19.02.2021-ലെ G.O. (MS) No.7/2021/Trans ഉത്തരവ് പ്രകാരം രൂപീകരിച്ചു. കമ്പനിയുടെ Objectives and features ചുവടെ ചേർക്കുന്നു.

Objectives:

- (i) for efficiently running the long distance services of KSRTC under a license agreement from KSRTC.
- (ii) for operating efficiently the KIIFB funded new buses, buses under the State Plan schemes and the existing long distance buses of KSRTC under an Intelligent Central Control Centre.
- (iii) in consideration of payment back to the KSRTC - for running its buses licensed under an agreement, through the routes of the corporation, and also by paying for the use of other services such as depots, workshops, cash counters etc.
- (iv) to pay back all the income of 'SWIFT' after operational expenses and repayment of KIIFB loan to KSRTC by which the corporation can take care of its loans, debts and welfare expenses of its employees.

Features

- (i) The Chairman & Managing Director, KSRTC shall be the ex-officio Chairman & Managing Director of the new company.
- (ii) KSRTC-SWIFT will be an independent Government company - legally separated from KSRTC.
- (iii) The functioning of the KSRTC-SWIFT will be dependent on KSRTC for various supports. KSRTC-SWIFT will pay user charges to KSRTC for using its infrastructure and utilizing other services of KSRTC. The infrastructure includes bus, bus route, bus depots, etc. The services include repair and maintenance of buses, services provided by the staff at the depot, etc. The new company will enter into an agreement with the KSRTC for not only availing these benefits but also obtaining other rights and privileges of KSRTC as an STU.
- (iv) The new organization is to be incorporated for a limited period of 10 years.
- (v) Empanelled employees who were terminated from KSRTC will be rehabilitated in 'KSRTC - SWIFT'. All the employees of 'KSRTC-SWIFT' including the top management will be appointed only on temporary basis and they will never be regularized. The terms and conditions of appointment of these temporary employees will be different from that exist in KSRTC. Additional operating/supervisory staffs, if any, required will be deployed from KSRTC by the Chairman & Managing Director, as and when it requires. All the officers and staff will be engaged only on the basis on an undertaking that they will

abide by such terms and conditions as decided by the Ad-hoc Administrative Committee or Board of Directors (if in place) from time to time.

- (vi) The strength of drivers and conductors in KSRTC-SWIFT for one bus shall be in the ratio 2:1 respectively.
- (vii) The new CNG buses and Electric buses being procured with loan from KIIFB will be operated by this new entity. In addition to this, the long distance services being operated by KSRTC will also be transferred to SWIFT in phases.
- (viii) 'KSRTC-SWIFT' will function as the fourth independent profit centre in addition to the existing three (North, Central and South) zones.
- (ix) The company shall be formed for a period 10 years and all the assets acquired during its existence/transferred from KSRTC will be returned back to the corporation at the end of this period.
- (x) The headquarters of the proposed company would be temporarily set up utilizing the existing infrastructure at the KSRTC bus station at Anayara, Thiruvananthapuram. All long distance services will commence from and terminate at Anayara station. Necessary courtesy / feeder services will be operated from the five depots to this station at desired intervals.
- (xi) The authorized share capital of the company shall be Rs.100 lakh (Rupees one hundred lakh only).

4. തുടർന്ന്, 'KSRTC-SWIFT' കമ്പനി രൂപീകരിച്ചുകൊണ്ട് സർക്കാർ പുറപ്പെടുവിച്ച ഉത്തരവിലെ താഴെ പറയുന്ന വ്യവസ്ഥകൾക്കെതിരെ കെ.എസ്.ആർ.ടി.സി.യിലെ രണ്ട് അംഗീകൃത ട്രേഡ് യൂണിയനുകളും കേരള പി.എസ്.സി.യുടെ സമയപരിധി കഴിഞ്ഞ റാങ്ക് പട്ടികയിലുള്ള രണ്ടു വ്യക്തികളും ബഹു. കേരള ഹൈക്കോടതി മുമ്പാകെ റിട്ട് പെറ്റിഷനുകൾ ഫയൽ ചെയ്തു:

- i) 'KSRTC-SWIFT' ന്റെ രൂപീകരണം, KSRTC-യുടെ ആസ്തിയും ദേശസാൽകൃത റൂട്ടുകളും സർക്കാർ ഉടമസ്ഥതയിലുള്ള സ്വതന്ത്ര കമ്പനിയായ 'KSRTC-SWIFT'-ന് പാട്ടത്തിന് നൽകുന്ന നടപടി.
- ii) കോടതി ഉത്തരവിലൂടെ പുറത്താക്കിയ എംപാനൽ ജീവനക്കാർക്ക് KSRTC-SWIFT-ൽ പുനരധിവാസം നൽകുന്ന നടപടി.

5. കെ.എസ്.ആർ.ടി.സി.യുടെ ദേശസാൽകൃത പെർമിറ്റ് / റൂട്ടുകൾ എന്നിവയും ബസുകൾ ഉൾപ്പെടുന്ന ആസ്തികളും സ്വതന്ത്ര കമ്പനിയായ KSRTC-SWIFT-ന് പാട്ടത്തിന് നൽകുന്ന നടപടിയാണ് ട്രേഡ് യൂണിയനുകൾ പ്രധാനമായും എതിർത്തത്. കാലഹരണപ്പെട്ട റാങ്ക് ലിസ്റ്റിലെ പ്രതിനിധികൾ എന്ന് അവകാശപ്പെട്ട് കേസ് ഫയൽ ചെയ്ത രണ്ടു പേരുടെ വാദം, വിവിധ കോടതിവിധികളിലൂടെ കെ.എസ്.ആർ.ടി.സി.യിൽ നിന്ന് പുറത്തുപോയ എംപാനൽ ജീവനക്കാരെ മനഃപൂർവ്വമായി തിരികെ പ്രവേശിപ്പിക്കാനുള്ള ശ്രമമാണ് സ്വതന്ത്ര കമ്പനിയായ KSRTC-SWIFT എന്നായിരുന്നു.

6. തുടർന്ന് ഈ വിഷയം അഡ്വക്കേറ്റ് ജനറലുമായി ചർച്ച ചെയ്ത് 19.02.2021-ലെ G.O. (MS) No. 7/2021/Trans ഉത്തരവിൽ വരുത്താൻ തീരുമാനിച്ച മാറ്റങ്ങൾ 1950-ലെ Road Corporation Act-ലെ വ്യവസ്ഥകൾക്കും Motor Vehicles Act, 1988 ഇവയുടെ കീഴിലുള്ള ചട്ടങ്ങൾക്കും വിരുദ്ധമല്ലായെന്നും കൂടാതെ, നിർദ്ദേശിച്ചിട്ടുള്ള മാറ്റങ്ങൾ മുൻ കോടതി ഉത്തരവുകളുടെയും നിർദ്ദേശങ്ങളുടെയും ലംഘനമല്ലായെന്നും അറിയിച്ചിട്ടുണ്ട്. ആയതിനാൽ പ്രസ്തുത മാറ്റങ്ങൾ ഉൾപ്പെടുത്തി പുതിയ ഉത്തരവ് പുറപ്പെടുവിക്കാൻ കഴിയുന്നതാണെന്നും അറിയിച്ചിട്ടുണ്ട്.

7. മന്ത്രിസഭായോഗത്തിന്റെ അംഗീകാരത്തോടെ 'KSRTC-SWIFT' രൂപീകരിച്ചുകൊണ്ട് 19.02.2021-ൽ പുറപ്പെടുവിച്ച G.O. (MS) No. 7/2021/Trans നമ്പർ ഉത്തരവിൽ എന്തെങ്കിലും ഭേദഗതി വരുത്തുന്നതിന് മന്ത്രിസഭായോഗത്തിന്റെ അംഗീകാരം ആവശ്യമാണ്.

8. ഈ സാഹചര്യത്തിൽ, പരിഷ്കരിച്ച ഉത്തരവ് പുറപ്പെടുവിച്ചതിനുശേഷം മന്ത്രിസഭയുടെ സാധൂകരണം സമർപ്പിക്കാവുന്ന വിഷയത്തിൽ അംഗീകാരത്തിനായി ഫയൽ ബഹു.മുഖ്യമന്ത്രിക്ക് സമർപ്പിക്കുകയും ബഹു.മുഖ്യമന്ത്രി 04.12.2021 തീയതി ഈ നിർദ്ദേശം അംഗീകരിക്കുകയും ചെയ്തു.

9. ആയതിന്റെ അടിസ്ഥാനത്തിൽ, 19.02.2021-ലെ G.O. (MS) No. 7/2021/Trans ഉത്തരവ് പരിഷ്കരിച്ച്, 11.12.2021-ലെ G.O. (MS) No. 58/2021/Trans ഉത്തരവ്, താഴെപ്പറയുന്ന ഉദ്ദേശ്യലക്ഷ്യങ്ങളോടെ പുറപ്പെടുവിച്ചു.

Objectives:

i. for providing necessary infrastructural, technical, managerial, operational support to the KSRTC for efficiently running its long distance services of KSRTC under an agreement with KSRTC.

ii. for operating efficiently the KIIFB funded new buses, buses acquired under the State Plan schemes, buses obtained under other schemes of State and Central Government, buses obtained under sponsorship, hire etc under an Intelligent Central Control Centre for KSRTC.

iii. For implementing various projects and schemes entrusted by the Government from time to time.

Features:

i. KSRTC-SWIFT will be an independent company, fully owned by Government and registered under the Companies Act.

ii. The Chairman & Managing Director, KSRTC shall be the Ex-officio Chairman & Managing Director, KSRTC SWIFT Ltd.

iii. The Government shall appoint the members of the Board of Directors from time to time.

iv. The KSRTC-SWIFT is to be incorporated from a limited period of 10 years.

v. The headquarters of the proposed company would be at Thiruvananthapuram.

vi. The authorised share capital of the Company shall be Rs. 100 lakh (Rupees One hundred lakh only).

vii. All the assets acquired by the KSRTC-SWIFT during its operation will be transferred to the KSRTC at the end of the 10 year period or at the time of winding up of the Company.

viii. KSRTC to compensate KSRTC-SWIFT for infrastructural, technical, managerial, operational support provided to the KSRTC including the amount required for repayment of KIIFB loan, hire charges etc. as per the agreement signed between two organisations from time to time.

10. 19.02.2021-ലെ G.O. (MS) No. 7/2021/Trans ഉത്തരവിൽ അംഗീകാരം നൽകിയ താഴെപ്പറയുന്ന വസ്തുതകൾ മാറ്റമില്ലാതെ തുടരുന്നതാണ്.

i. Creation and filling up of five temporary posts of Senior Professional Managers, namely General Manager, DGM (Technical), DGM (Operations), AGM (Finance) & Company Secretary and AGM (HR) under the same terms and conditions of appointment on contract basis.

ii. Sanction accorded for an amount of Rs. 15 Crore (Rupees Fifteen Crore only) as additional authorisation under the head of account No.'5055-00-190-99-KSRTC Investments' to meet the preliminary expenses of the new company.

11. ഈ വിഷയത്തിൽ നിയമ വകുപ്പിന്റെ അഭിപ്രായം ചുവടെ ചേർക്കുന്നു

"19.02.2021-ലെ G.O.(MS)No.07/2021/Trans ഭേദഗതി വരുത്തി 11.12.2021-ലെ G.O.(MS)No.58/2021/Trans പുറപ്പെടുവിച്ചിട്ടുള്ളതാണ്. ഈ വിഷയം സംബന്ധിച്ചുള്ള ഭേദഗതി എ.ജി.യുടെ നിയമോപദേശ പ്രകാരമാണ് എന്ന് ഭരണവകുപ്പിന്റെ കറിപ്പ ഫയൽ നം. 174 ൽ നിന്ന് കാണാവുന്നതാണ്. കൂടാതെ ഈ വസ്തുത 19.02.2021-ലെ G.O.(MS)No.07/2021/Trans ചോദ്യം ചെയ്തുകൊണ്ട് ബഹു.ഹൈക്കോടതിയിൽ നിലവിലുള്ള WP(C)No.7077/2021 നമ്പർ കേസിൽ സർക്കാരിന് വേണ്ടി 2022 ജനുവരി മാസം ഫയൽ ചെയ്തിട്ടുള്ള അഡീഷണൽ അഫീഡവിറ്റ് പ്രകാരം ബഹു.കോടതിയെ ധരിപ്പിച്ചിട്ടുള്ളതായി കാണുന്നു. എന്നാൽ ഈ വിഷയം സംബന്ധിച്ചുള്ള മറ്റ് കേസുകളിൽ ഇപ്രകാരമുള്ള അഫീഡവിറ്റ് ഫയൽ ചെയ്തിട്ടില്ലെങ്കിൽ ആയത് ഫയൽ ചെയ്യേണ്ടതാണെന്ന് അറിയിക്കുന്നു. കൂടാതെ ഈ വിഷയം നിലവിലുള്ള കേസുകളിൽ, സർക്കാർ തുടർനടപടി തടഞ്ഞുകൊണ്ട് ഉത്തരവുകൾ ഒന്നും നിലവിലില്ല എന്ന വിവരം ഉറപ്പുവരുത്തേണ്ടതാണ് എന്ന കാര്യം കൂടി ഭരണവകുപ്പിനെ അറിയിക്കുന്നു."

12. ബഹു.ഹൈക്കോടതിയുടെ പരിഗണനയിലുള്ള റിട്ട് പെറ്റീഷനുകളിൽ സർക്കാർ അഫീഡവിറ്റ് ഫയൽ ചെയ്യുകയും പ്രസ്തുത കേസുകൾ പരിഗണിച്ച ബഹു.കോടതി, 09.02.2022-ന് ചുവടെ ചേർക്കും പ്രകാരം ഇടക്കാല ഉത്തരവ് പുറപ്പെടുവിക്കുകയും ചെയ്തിട്ടുണ്ട്.

"Having considered rival contentions, I feel that it may not be justified, if the selection process is stopped at this stage. Hence, I am inclined to permit the selection process to continue, pursuant to the above notification, subject to the specific direction that, no special preference or weightage shall be given to the

earlier empanelled employees. Selection shall strictly be on merits and shall only be provisional, subject to the outcome of the writ petitions. It shall be made known to the selected candidates, in the light of this direction, undertaking given by the learned Advocate General will not continue and stands superceded by these direction. KSRTC-SWIFT shall consider the candidates sponsored by the employment exchange also."

ആയതിനാൽ നിയമ വകുപ്പ് അഭിപ്രായപ്പെട്ടതുപോലെ KSRTC-SWIFT തുടർ നടപടികളുമായി മുന്നോട്ട് പോകാവുന്നതാണ്.

13. കൂടാതെ, KSRTC-SWIFT-ന്റെ പ്രാരംഭ ചെലവുകൾക്കായി 575 ലക്ഷം രൂപ 7055-190-93 എന്ന ഹെഡ് ഓഫ് അക്കൗണ്ടിൽ അനുവദിക്കണമെന്ന് ആവശ്യപ്പെട്ടുകൊണ്ട് ചെയർമാൻ & മാനേജിംഗ് ഡയറക്ടർ ഒരു പ്രൊപ്പോസൽ സമർപ്പിച്ചിട്ടുണ്ട്.

14. ചെയർമാൻ & മാനേജിംഗ് ഡയറക്ടർ സമർപ്പിച്ച KSRTC-SWIFT-ന്റെ പ്രാരംഭ ചെലവുകൾ സംബന്ധിച്ച വിവരങ്ങൾ ചുവടെ ചേർക്കുന്നു:

Sl. No.	Item of Expenditure	Rs. in lakhs
1.	Company registration expenses	5
2.	Authorized Share Capital	100
3.	Setting up of Head quarters at Anayara	120
4.	Remunerations / incentive to staffs (for sanctioned positions)	90
5.	Office expenses (Stationary, electricity, water, printing etc)	10
6.	Development of website	5
7.	Application software development /package	10
8.	Furniture and fittings	10
9.	Computer and Peripherals	20
10.	Training of officers and operating crew	50
11.	Uniform cloth to operating crew	25
12.	Outsourcing of accounting and other miscellaneous works	50
13.	Administrative expenses (phone, water etc)	5
14.	Conveyance facility for top officers	15
15.	Travel and tour expenses of officers/Crew	25
16.	Facility management services	25
17.	Miscellaneous/unanticipated expenses	10
Total		575

15. മേൽ വിഷയത്തിൽ ധനകാര്യ വകുപ്പിന്റെ അഭിപ്രായം ചുവടെ ചേർക്കുന്നു:

"Finance agrees in principle to release 50% of the amount sought by AD and with the proviso that out of this Rs.1 crore will be converted into the share capital of the Government after Council approval. Subject to this condition, the proposal which has already been cleared earlier in a meeting held by CM on the restructuring of the KSRTC, can be agreed to, with the suggestion that the AD may go ahead and place the consolidated proposal before the Council of Ministers. Actual release can be made after Council approval."

16. ധനകാര്യ വകുപ്പ് അഭിപ്രായപ്പെട്ടതനുസരിച്ച്, ഒരു കോടി രൂപ സർക്കാരിന്റെ ഷെയർ ക്യാപ്പിറ്റലിലേക്ക് മാറ്റിക്കൊണ്ട് ചെയർമാൻ & മാനേജിംഗ് ഡയറക്ടർ ആവശ്യപ്പെട്ട 575 ലക്ഷം രൂപയുടെ 50% ആയ 287.5 ലക്ഷം അനുവദിക്കുന്ന വിഷയം മന്ത്രിസഭയുടെ അംഗീകാരത്തിന് സമർപ്പിക്കാവുന്നതാണ്.

തീരുമാനിക്കേണ്ട വിഷയം

1. KSRTC-SWIFT രൂപീകരിച്ചുകൊണ്ട് പുറപ്പെടുവിച്ച 19.02.2021-ലെ G.O. (MS) No.7/2021/Trans ഉത്തരവിലെ ഉദ്ദേശ്യലക്ഷ്യങ്ങൾ പരിഷ്കരിച്ചുകൊണ്ട് 11.12.2021-ലെ G.O. (MS) No. 58/2021/Trans ഉത്തരവ് പുറപ്പെടുവിച്ച ടെപടിക്ക് സാധൂകരണം നൽകാമോ?

2. ധനകാര്യ വകുപ്പ് അഭിപ്രായപ്പെട്ടതനുസരിച്ച്, ഒരു കോടി രൂപ സർക്കാരിന്റെ ഷെയർ ക്യാപ്പിറ്റലിലേക്ക് മാറ്റിക്കൊണ്ട് ചെയർമാൻ & മാനേജിംഗ് ഡയറക്ടർ സമർപ്പിച്ച പ്രൊപ്പോസലിലെ 575 ലക്ഷം രൂപയുടെ 50% ആയ 287.5 ലക്ഷം രൂപ, 7055-190-93 എന്ന ഹെഡ് ഓഫ് അക്കൗണ്ടിൽ നിന്ന് കെ.എസ്.ആർ.ടി.സി.-സിസ്റ്റം-ന്റെ പ്രാഥമിക ചെലവുകൾക്കായി അനുവദിക്കാമോ?



GOVERNMENT OF KERALA

Abstract

The Kerala State Road Transport Corporation - Formation of new legally independent Government Company - 'KSRTC-SWIFT' to support the Corporation - Orders issued

TRANSPORT (A) DEPARTMENT

G.O.(Ms)No.7/2021/TRANS Dated,Thiruvananthapuram, 19/02/2021

- Read 1 Proceedings of the CEO, KIIFB No.TRA008-01/APR-1/2020/KIIFB dated 17.11.2020
- 2 Letter No.112/CMD/2020 dated 07.12.2020 from the Chairman & Managing Director, Kerala State Road Transport Corporation
 - 3 Letter No.112/CMD/2020 dated 18.01.2021 from the Chairman & Managing Director, Kerala State Road Transport Corporation
 - 4 Letter No.017/CMD/2021 dated 13.02.2021 from the Chairman & Managing Director, Kerala State Road Transport Corporation
 - 5 Minutes of the various meetings held at the level of Chief Minister, Finance Minister, Secretaries

ORDER

The Chairman & Managing Director, Kerala State Road Transport Corporation (KSRTC) has submitted a proposal for restructuring of the Corporation, in the name - 'KSRTC RESTRUCTURE 2.0' and the proposal was placed before the High Powered Committee under the Chairmanship of the Chief Minister, which met on 15.10.2020. The High Powered Committee entrusted a committee under the chairmanship of Additional Chief Secretary (Finance Department) for detailed scrutiny of the proposal and the committee met on 23.10.2020 approved the proposals submitted by the Chairman & Managing Director, KSRTC. One major project among these proposals is the formation of a new independent company by name - 'KSRTC-SWIFT' for operation of the fleet of new buses of the Corporation, being purchased by availing loan from Kerala Infrastructure Investment Fund Board (KIIFB). The formation of 'KSRTC-SWIFT' is necessitated due to the conditions put

forward by KIIFB to avail loan for the purchase of 310 CNG buses, covers 400 existing diesel buses into LNG buses and also for the wet-lease of 50 Electric buses. Later an Ad-hoc Administrative Committee, set up for the purpose, met on 23.12.2020 under the Chairmanship of Additional Chief Secretary (Finance Department) and decided to go ahead with the proposal of a new subsidiary corporation or an independent company. Government also decided to entrust the Chairman & Managing Director, KSRTC to hold discussion with the recognized trade unions of KSRTC for better understanding. Accordingly, the Chairman & Managing Director has held discussion with the recognized trade unions of KSRTC. This issue was again discussed twice at Government level and in the meeting convened on 16th Feb 2021 by the Chief Minister, it is decided to proceed with the formation of an independent company in the name 'KSRTC-SWIFT'.

2. Even though more than Rs. 5500 crore is released to KSRTC in the last five years, there observed no improvement in the financial status of the Corporation, even before the Covid-pandemic period. The covid has affected the public transportation as a whole and the post-covid situation warrants more financial assistance from Government for running even the day-to-day activities of KSRTC. It has become apparent that if no restructuring is done, the KSRTC will plunge into more financial crisis and it may become unaffordable. The Chairman & Managing Director pointed out that even though a new subsidiary corporation, i.e., KURTC, was formed earlier, it could not make any changes and losses continued to mount. Hence the Chairman & Managing Director proposed to shift the operation of long distance services of KSRTC under the new company 'KSRTC-SWIFT', which will undertake the operations under a professional management. The Chairman & Managing Director has proposed for incorporation of a new company under the Indian Companies Act which is legally independent, at the same time functionally dependent on KSRTC, with Rs.100 lakh capital fund and 100% Government ownership.

3. The Proposal submitted by the Chairman & Managing Director also included creation of five senior Managerial posts on contract for the proposed 'KSRTC-SWIFT'.

4. The Government have examined the matter in detail and hereby order to form a legally independent company under the name 'KSRTC-SWIFT' as per the stipulations of KIIFB, as an Special Purpose Vehicle (SPV), for the purpose of efficient and economical operation of the new buses purchased by availing loan from KIIFB and also of the existing long distance/super-class services of KSRTC, after entering an agreement with the KSRTC for sharing

the operational surplus as user charges/license fees, for the bus and bus routes as well as for availing the services such as depots, maintenance services, ticketing services etc, as per the objectives and features mentioned below.

Objectives:

- (i) for efficiently running the long distance services of KSRTC under a license agreement from KSRTC.
- (ii) for operating efficiently the KIIFB funded new buses, buses under the State Plan schemes and the existing long distance buses of KSRTC under an Intelligent Central Control Centre.
- (iii) in consideration of payment back to the KSRTC - for running its buses licensed under an agreement, through the routes of the corporation, and also by paying for the use of other services such as depots, workshops, cash counters etc.,
- (iv) to pay back all the income of 'SWIFT' after operational expenses and repayment of KIIFB loan to KSRTC by which the corporation can take care of its loans, debts and welfare expenses of its employees.

Features:

- (i) The Chairman & Managing Director, KSRTC shall be the ex-officio Chairman & Managing Director of the new company.
- (ii) KSRTC-SWIFT will be an independent Government company - legally separated from KSRTC.
- (iii) The functioning of the KSRTC-SWIFT will be dependent on KSRTC for various supports. KSRTC-SWIFT will pay user charges to KSRTC for using its infrastructure and utilizing other services of KSRTC. The infrastructure includes bus, bus route, bus depots, etc. The services include repair and maintenance of buses, services provided by the staff at the depot, etc. The new company will enter into an agreement with the KSRTC for not only availing these benefits but also obtaining other rights and privileges of KSRTC as an STU.
- (iv) The new organization is to be incorporated for a limited period of 10 years.
- (v) Empanelled employees who were terminated from KSRTC will be rehabilitated in 'KSRTC - SWIFT'. All the employees of 'KSRTC - SWIFT' including the top management will be appointed only on temporary basis and they will never be regularized. The terms and conditions of appointment of these temporary employees will be different from that exist in KSRTC. Additional operating/supervisory staffs, if any, required will be deployed from KSRTC by the Chairman & Managing Director, as and when it requires. All the officers and staff will be engaged only on the basis on an undertaking that they

- will abide by such terms and conditions as decided by the Ad-hoc Administrative Committee or Board of Directors (if in place) from time to time.
- (vi) The strength of Drivers and conductors in KSRTC-SWIFT for one bus shall be in the ratio 2:1 respectively.
- (vii) The new CNG buses and Electric buses being procured with loan from KIIFB will be operated by this new entity. In addition to this, the long distance services being operated by KSRTC will also be transferred to SWIFT in phases.
- (viii) 'KSRTC - SWIFT' will function as the fourth independent profit centre in addition to the existing three (North, Central and South) zones.
- (ix) The company shall be formed for a period 10 years and all the assets acquired during its existence/transferred from KSRTC will be returned back to the corporation at the end of this period.
- (x) The headquarters of the proposed company would be temporarily set up utilizing the existing infrastructure at the KSRTC bus station at Anayara, Thiruvananthapuram. All long distance services will commence from and terminate at Anayara station. Necessary courtesy / feeder services will be operated from the five depots to this station at desired intervals.
- (xi) The authorized share capital of the company shall be Rs.100 lakh (Rupees one hundred lakh only).
- (xii) The Board of Directors of the company shall be:

No	Title	Profile	Mode of appointment
1	Chairman & Managing Director	Chairman & Managing Director, KSRTC	Ex-Officio
2	Member - Operations	A Management Expert with minimum of 20 years of proven experience in operations management / strategic planning in a large organization.	To be nominated by Government
3	Member - Traffic	An expert in Traffic and Transport engineering with M-Tech in Traffic and Transportation Engineering with a minimum of 20 years of proven experience in operations/ academics / research in Traffic and Transportation Engineering in a large organization	To be nominated by Government
4	Member - Information Technology	A person with 20 years of proven experience in development and implementation of IT solutions for transportation industry or related fields	To be nominated by Government

5	Member - Finance	An expert in Financial Management with a minimum of 20 years of proven experience in financial management in a large manufacturing organization / banks	To be nominated by Government
6	Member - Finance Department	The Secretary (Finance), Government of Kerala or his nominee not below the rank of a Joint secretary to Government of Kerala.	To be nominated by Government
7	Member - Transport Department	The Secretary (Transport), Government of Kerala or his nominee not below the rank of a Joint secretary to Government of Kerala.	To be nominated by Government
8	Member - NATPAC	The Director, National Transportation Planning and Research Centre (NATPAC)	To be nominated by Government

5. The Chairman & Managing Director, KSRTC is hereby authorised for the incorporation of the new company named 'KSRTC-SWIFT' with the above objectives and features.

6. The following five temporary posts of professional senior managers is also hereby created in 'KSRTC -SWIFT' on contract basis for a for a period of five years.

No.	Position	Qualification and Experience	Consolidated pay (Rs) per month
1	General Manager	B Tech in Mechanical / Electrical Engineering (regular course) with MBA from a reputed and 20 years of experience in senior positions in a large Transporting / Infrastructure/ Manufacturing organization.	1,50,000/-
2	Deputy General Manager (Technical)	B Tech in Mechanical / Electrical Engineering (regular course) and 15 years of experience in a large transporting organization.	1,00,000/-
3	Deputy General Manager (Operations)	Post graduate / MBA (regular) and 15 years of experience in a large transporting organization.	1,00,000/-
4	Asst General Manager (Finance) & Company Secretary	CA / ICWA/CFA with Associate Member of the Institute of Company Secretaries of India and 10 years of experience in a large manufacturing organization.	75,000/-
5	Asst General Manager (HR)	MBA / Post-graduate Diploma (regular course) in HR from a reputed University and 12 years of experience in a large manufacturing organization.	75,000/-

7. For meeting the preliminary expenses of the new company- KSRTC - SWIFT, an amount of Rs.15 crore (Rupees fifteen crore only) is sanctioned as additional authorisation under the head of account- '5055-00-190-99-KSRTC Investments'.

(By order of the Governor)
BIJU PRABHAKAR
SECRETARY

The Chairman & Managing Director, Kerala State Road Transport Corporation, Thiruvananthapuram

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram
Accountant General(A&E), Kerala, Thiruvananthapuram

The Finance Department (No: PU-A2/33/2021-FIN (E- 1701077) dated 12/02/2021)

The General Administration (SC) Department

The Information & Public Relations (Web & New Media) Department
(for publishing in official website)

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Copy to: PS to Chief Minister

PS to Minister, Transport Department

Under Secretary to Additional Chief Secretary, Finance Department

PA to Principal Secretary, Transport Department

PA to Law Secretary

PA to Secretary, Transport Department

Forwarded By order
Signature Valis

Digitally signed by Simimon J
Date: 2021.02.15 10:55:21 IST
Reason: Approved
Section Officer

**GOVERNMENT OF KERALA****Abstract**

Transport Department - Kerala State Road Transport Corporation -
Formation of new legally independent Government Company -
'KSRTC-SWIFT' - Modified Orders issued.

TRANSPORT (A) DEPARTMENT

G.O.(Ms)No.58/2021/TRANS Dated,Thiruvananthapuram, 11/12/2021

Read 1. Proceedings of the CEO, KIIFB No.TRA008-01/APR-1/2020/KIIF-B dated 17.11.2020.

2. Letter No.112/CMD/2020 dated 07.12.2020 from the Chairman & Managing Director, Kerala State Road Transport Corporation.

3. Letter No. 112/CMD/2020 dated 18.01.2021 from the Chairman & Managing Director, Kerala State Road Transport Corporation.

4. Letter No. 017/CMI/2021 dated 13.02.2021 from the Chairman & Managing Director, Kerala State Road Transport Corporation.

5. G.O.(MS) No. 7/2021/Trans dated 19.02.2021.

6. Letter No.LS8/5573/2021/WP© dated 17.08.2021 from Chairman & Managing Director, Kerala State Road Transport Corporation.

7. Minutes of the meeting convened by Hon'ble Minister for Transport on 23.09.2021.

8. Letter noSS-GK20/2021/AG dated 05.11.2021 from the Advocate General Kerala

ORDER

In the GO read as 5th paper above, Government had ordered to form a legally independent company under the name, 'KSRTC SWIFT' as per the

stipulation of KIIFB, as a Special Purpose Vehicle (SPV), for the purpose of efficient and economical operation of new buses purchased by availing loan from KIIFB. The formation of KSRTC SWIFT, has been challenged before the Hon'ble High Court of Kerala, through separate writ petitions filed by two persons in the expired list of drivers prepared by the KSPC for KSRTC, and by two recognised Trade Unions of the Corporation, against the following actions:

i) Formation of KSRTC SWIFT and leasing out of assets and nationalised routes of KSRTC to the independent Government owned company -KSRTC SWIFT.

ii) Re-engagement of empanelled employees in KSRTC SWIFT who were retrenched as per orders of the Hon'ble High Court.

2. The main contention of the trade unions is against the leasing out of the Nationalised permits / routes as well as assets mainly the buses owned by the KSRTC to a totally independent government owned company, namely KSRTC SWIFT. The other two individuals, who claim to be the representatives of those in the expired list of KPSC, contended that the formation of SWIFT is a deliberate attempt by the Government to circumvent the various orders of Hon'ble High Court to accommodate the retrenched empanelled employees of KSRTC.

3. Government have examined the matter in detail and hereby order to rescind the G.O read as 5th paper and to issue modified orders regarding the creation of KSRTC SWIFT, to be formed as per the stipulations of KIIFB, as a Special Purpose Vehicle (SPV) with the following objectives and features:

Objectives:

- i. for providing necessary infrastructural, technical, managerial, operational support to the KSRTC for efficiently running its long distance services of KSRTC under an agreement with KSRTC.
- ii. for operating efficiently the KIIFB funded new buses, buses acquired under the State Plan schemes, buses obtained under other schemes of State and Central Government, buses obtained under sponsorship, hire etc under an Intelligent Central Control Centre for KSRTC.
- iii. For implementing various projects and schemes entrusted by the Government from time to time.

Features:

- i. KSRTC SWIFT will be an independent company, fully owned by Government and registered under the Companies Act.

- ii. The Chairman & Managing Director, KSRTC shall be the Ex-officio Chairman & Managing Director, KSRTC SWIFT Ltd.
- iii. The Government shall appoint the members of the Board of Directors from time to time.
- iv. The KSRTC SWIFT is to be incorporated from a limited period of 10 years.
- v. The headquarters of the proposed company would be at Thiruvananthapuram.
- vi. The authorised share capital of the Company shall be Rs.100 lakh (Rupees One hundred lakh only).
- vii. All the assets acquired by the KSRTC SWIFT during its operation will be transferred to the KSRTC at the end of the 10 year period or at the time of winding up of the Company.
- viii. KSRTC to compensate KSRTC-SWIFT for infrastructural, technical, managerial, operational support provided to the KSRTC including the amount required for repayment of KIIFB loan, hire charges etc as per the agreement signed between two organisations from time to time.

4. The sanction accorded by Government vide G.O(MS) No.7/2021/TRANS dated 19th February 2021, for the following, will remain unchanged:

- i. Creation and filling up of five temporary posts of Senior Professional Managers, namely General Manager, DGM (Technical), DGM (Operations), AGM (Finance) & Company Secretary and AGM (HR) under the same terms and conditions of appointment on contract basis.
- ii. Sanction accorded for an amount of Rs.15 Crore (Rupees Fifteen Crore only) as additional authorisation under the head of account No.'5055-00-190-99-KSRTC Investments' to meet the preliminary expenses of the new company.

It is also hereby ordered that whatsoever action(s) taken on the basis of the 5th reference Order mentioned above will remain valid.

(By order of the Governor)
Biju Prabhakar
Secretary

The Chairman & Managing Director, Kerala State Road Transport Corporation, Thiruvananthapuram.

The Chairman & Managing Director, KSRTC-SWIFT
The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.
The Accountant General(A&E), Kerala, Thiruvananthapuram.
The Finance Department (No: PU-A2/33/2021-FIN (E- 1701077) dated
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Department.

P.A. to Principal Secretary, Transport Department.

P.A. to Law Secretary.

P.A. to Secretary, Transport Department.

Forwarded /By order



Section Officer