

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WP(C).No. 2261 of 2015 (G)

PETITIONER:

**P.NESAN
PROVISIONAL PAINTER, KSRTC, PAPPANAMCODE DEPOT
PAPPANAMCODE, THIRUVANANTHAPURAM.**

BY ADV. SRI.K.P.RAJEEVAN

RESPONDENTS:

**1. KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY ITS MANAGING DIRECTOR
TRANSPORT BHAVAN, FORT
THIRUVANANTHAPURAMPIN - 695 023.**

**2. DISTRICT TRANSPORT OFFICER
KSRTC, PAPPANAMCODE DEPOT, PAPPANAMCODE
THIRUVANANTHAPURAM, PIN - 695 018.**

**BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC
DR. THUSHARA JAMES, SC, KSRTC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF DUTY PASS ISSUED TO THE PETITIONER, DATED NIL.**
- EXT.P-1A: A TRUE COPY OF ATTENDANCE DETAILS DATED 11.2.2014 ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT**
- EXT.P2: TRUE COPY OF GOVT. ORDER DATED 22.12.2011**
- EXT.P-3: A TRUE COPY OF JUDGEMENT REPORTED IN 2013(2) KLT 258.**
- EXT.P-4: A TRUE COPY OF JUDGEMENT DATED 28.10.2014 IN WPC NO.27091 OF 2014.**
- EXT.P-5: TRUE COPY OF ORDER DATED 18.12.2014 ISSUED BY THE 1ST RESPONDENT**
- EXT. P-6: A TRUE COPY OF COVER PAGE AND PAGES 72 & 73 OF REPORT ON REGIONALISATION OF KERALA STATE ROAD TRANSPORT CORPORATION PREPARED BY MR. V. NIRMALAN THAMBI, JOINT GENERAL MANAGER OF THE RESPONDENT CORPORATION.**
- EXT. P-7: A TRUE COPY OF COVER PAGE AND PAGE 89 OF THE EXISTING RULES PUBLISHED BY THE RESPONDENT CORPORATION**
- EXT. P-8: A TRUE COPY OF JUDGMENT DATED 3.01.2013 IN W.P.(C). NO. 335 OF 2013**
- EXT. P-9: A TRUE COPY OF JUDGMENT DATED 2.9.2014 IN W.P.(C). NO. 23140 OF 2014**
- EXT. P-10: A TRUE COPY OF ORDER DATED 26.11.2014 ISSUED BY THE RESPONDENT CORPORATION**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 2261 OF 2015

Dated this the 20th day of February, 2015

JUDGMENT

It needs no common sense to hold that a 'painter' falls within the category of mechanical staff in the Kerala State Road Transport Corporation ('KSRTC' for short). Even their own publications show that a painter as well as a mechanic are brought under the category of mechanical staff. The publications are:-

- i) Report on Regionalisation of KSRTC authored by the Joint General Manager, KSRTC.
- ii) A booklet on the Consolidation of the Rules of KSRTC published by its Chairman and the Managing Director.

2. It is not in dispute that the petitioner was a painter on daily basis in the KSRTC and has put in more than 10 years of service. Ext. P2 order enabling regularisation of service of those provisional employees falling within 'mechanical staff' would enure to the benefit of the petitioner as well. The entitlement of similar employees to have regularisation is concluded by **Suresh Kumar v. State of Kerala [2013 (2) KLT 258]**.

3. Ext. P10 order shows that services of one provisional welder similarly placed was regularised in the KSRTC. The petitioner adds that services of yet another provisional blacksmith was similarly regularised pursuant to Ext. P8 judgment in W.P.(C). No. 335/2013. There is no reason why a painter is not treated as a mechanical staff even though a blacksmith is so treated.

4. The one and only reason for negating the claim of the petitioner is that he is a provisional painter and does not fall in the category of mechanical staff. I am unable to accept that contention since I have already held that a painter will fall in the category of mechanical staff. Ext. P5 order negating the claim for regularisation of the petitioner cannot therefore stand scrutiny in the eye of law.

5. Ext. P5 order is quashed and the respondents are directed to regularise the services of the petitioner in the KSRTC. The needful shall be done within a period of two months from the date of production of a copy of this judgment.

The writ petition is disposed of. No costs.

**V. CHITAMBARESH
JUDGE**