

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 7837 of 2008 (G)

PETITIONER:

**K.SURENDRAN, CONDUCTOR SPECIAL GRADE,
KSRTC, NEYYATTINKARA DEPOT, THIRUVANANTHAPURAM.
RESIDING AT:ROHINI, ARUMANOOR, POOVAR P.O.
NEYYATTINKARA, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.MURALI PURUSHOTHAMAN
SRI.DEEPU LAL MOHAN**

RESPONDENTS:

- 1. KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR
TRANSPORT BHAVAN, THIRUVANANTHAPURAM.**
- 2. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, DEPARTMENT OF TRANSPORT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

**R1 BY SRI.JOHNSON P.JOHN, SC, KSRTC
SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC
R2 BY GOVERNMENT PLEADER SRI. GIKKU JACOB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 THE PHOTOCOPY OF THE CERTIFICATE SHOWING THE
ATTENDANCE DETAILS OF THE PETITIONER AS DAILY WAGE
CONDUCTOR ISSUED BY THE 1ST RESPONDENT**
- EXT.P2 THE PHOTOCOPY OF THE APPOINTMENT ORDER NO. PL2-
6605/87/NYA DATED 24.11.1987 ISSUED BY THE DISTRICT
TRANSPORT OFFICER**
- EXT.P3 THE TRUE COPY OF G.O. (P) NO. 2357/99/FIN DATED 25.11.1999
ISSUED BY THE GOVERNMENT**
- EXT.P4 THE PHOTOCOPY OF THE MEMORANDUM OF SETTLEMENT
DATED 13.04.1999 ENTERED INTO BY THE CORPORATION WITH
ITS RECOGNISED TRADE UNIONS**
- EXT.P5 THE PHOTOCOPY OF THE ORDER DATED 27.02.2006 ISSUED BY
THE HON'BLE SUPREME COURT IN SLP NO. 1493/2006**
- EXT.P6 THE PHOTOCOPY OF THE ORDER NO. LR8-023330/97 DATED
27.01.2007 ISSUED BY THE RESPONDENT CORPORATION.**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO.7837 OF 2008

Dated this the 7th day of April, 2015

JUDGMENT

The issue is covered by the common judgment dated 20.02.2015 by the Larger Bench of this Court in **K.L. Francis v. Kerala State Road Transport Corporation and Others**. Therefore the provisional services put in by the petitioner prior to his regular appointment on the advice of the Kerala Public Service Commission is liable to be reckoned for pension. It is declared that the said dictum covers the case of the petitioner also to whom the benefits of the Larger Bench decision of this Court shall be extended.

2. The first respondent submits that a Special Leave Petition is being filed against the common judgment of the Larger Bench before the Supreme Court and that orders are awaited. I make it clear that the implementation of the judgment of the Larger Bench of this Court as regards the petitioner would also be subject to the modification if any by the Supreme Court in the Special Leave Petition ofcourse to

be filed. The first respondent is directed to do the needful in the case of the petitioner within a period of three months from the date of receipt of a copy of this judgment.

All other contentions are left open and the writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS