

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 5897 of 2015 (J)

PETITIONER(S):

P.M.PETER, AGED 49 YEARS
S/O.P.P.MATHAI, POLAYIL HOUSE,
PERINGOLKARA, KOLENCHERRY P.O.,
ERNAKULAM DISTRICT - 682 311.
(DRIVER, KSRTC, MUVATTUPUZHA DEPOT.)

BY ADV. SRI.K.P.JUSTINE (KARIPAT)

RESPONDENT(S):

1. MANAGING DIRECTOR, KSRTC,
TRANSPORT BHAVAN, EAST FORT,
THIRUVANANTHAPURAM - 695 023.
2. THE EXECUTIVE DIRECTOR (ADMINISTRATION)
KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN, EAST FORT,
THIRUVANANTHAPURAM - 695 023.
3. THE ASSISTANT TRANSPORT OFFICER,
KSRTC, MUVATTUPUZHA DEPOT 682 311.

R BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) No.5897 OF 2015

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE PENSION PASS ISSUED BY THE RESPONDENT CORPORATION TO THE PETITIONER.
- EXHIBIT P2 : TRUE COPY OF THE ORDER NO.D.DIS.PL13/013038/05 DATED 25.4.2005 ISSUED BY THE RESPONDENT CORPORATION.
- EXHIBIT P3 : TRUE COPY OF THE MEMORANDUM NO.PL1-896/05/EKM DATED 23.7.2005 ISSUED BY THE RESPONDENT CORPORATION.
- EXHIBIT P4 : TRUE COPY OF THE MEMORANDUM NO.PL1/4936/10/EKM DATED 6.10.2012 ISSUED BY THE RESPONDENT CORPORATION.
- EXHIBIT P5 : TRUE COPY OF THE MEMORANDUM NO.P.L.18/33621/11 DATED 4.3.2013 ISSUED BY THE RESPONDENT CORPORATION.
- EXHIBIT P6 : TRUE COPY OF THE APPENDIX XII A OF KSR PART 1 OF KERALA SERVICE RULES.
- EXHIBIT P7 : TRUE COPY OF THE PROCEEDINGS NO.PLA-100-01575/84/R.DIS DATED 21.8.1984 ISSUED BY THE RESPONDENT CORPORATION.
- EXHIBIT P8 : TRUE COPY OF THE PAGE NOS.7 & 8 OF THE GRADE PROMOTION RULES.
- EXHIBIT P9 : TRUE COPY OF THE CIRCULAR NO.PL7-000175/2010 DATED 6.7.2010 ISSUED BY THE RESPONDENT CORPORATION
- EXHIBIT P10 : TRUE COPY OF THE JUDGMENTS DATED 12.3.2003 IN OP.NO.32006/2001 AND IN OP.NO.14175/2002 DATED 12.3.2003.
- EXHIBIT P11 : TRUE COPY OF THE JUDGMENTS IN W.A.NO.1167/2003 DATED 13.7.2008 AND W.A.NO.1179/2005 DATED 13.7.2008.
- EXHIBIT P12 : TRUE COPY OF THE JUDGMENT IN WA.NO.1810/2013 DATED 20.1.2014 OF THIS HON'BLE COURT.
- EXHIBIT P13 : TRUE COPY OF THE JUDGMENT IN W.P.(C) NO.13718/2008 DATED 14.7.2009 OF THIS HON'BLE COURT.
- EXHIBIT P14 : TRUE COPY OF THE PROMOTION ORDER NO.PL-10-23637/10 DATED 15.10.2010 ISSUED BY THE RESPONDENT CORPORATION.
- EXHIBIT P15 : TRUE COPY OF THE JUDGMENT IN WP (C) NO.17423/2013 DATED 13.1.2014 OF THIS HONOURABLE COURT.

WP(C)NO.5897/15

: 2 :

EXHIBIT P16 : TRUE COPY OF THE JUDGMENT DATED 6.1.2015 IN W.P.(C)
NO.5908/2014 OF THIS HON'BLE COURT.

EXHIBIT P17 : TRUE COPY OF JUDGMENT IN 2008 (1) KLT 712 (SC)
MOHAMMED ABDULLA V. STATE OF KERALA.

RESPONDENT(S) EXHIBITS

NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.5897 of 2015

Dated this the 24th day of February, 2015

J U D G M E N T

The issue pertains to availing leave without allowance for employment abroad. Ext.P5 order negating the claim of the petitioner cannot stand scrutiny in the light of Ext.P16 judgment in W.P.(C) No.5908/2014.

2. Ext.P5 order is accordingly quashed and the respondents are directed to reconsider the issue in the light of Ext.P16 judgment. The necessity to restore the original seniority and rank of the petitioner with consequential benefits shall be explored. The needful shall be done within a period of three months from the date of production of a copy of this judgment.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.