

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 6999 of 2015 (Y)

PETITIONER(S):

1. C.S.SEBASTIAN, AGED 60 YEARS
SIJIN BHAVAN, ELAVANIKARA, VELIYAMCODE PO
THIRUVANANTHAPURAM-695 512. (CONDUCTOR
VIZHINJAM DEPOT, RETIRED ON 31-03-2011)
2. A.ALOCIOUS FERNANDEZ,
FATHIMA COLLEGE, PULLAUVILA PO
THIRUVANANTHAPURAM-695 526. (CONDUCTOR
VIKAS BHAVAN DEPOT, RETIRED ON 30-11-2013)
3. N.SIVANANDAN,
S.N.MANDIRAM, ARUVIKARA, KUALASSERY PO
THIRUVANANTHAPURAM.(CONDUCTOR, KATTAKADA DEPOT
RETIRED ON 31-03-2011)
4. R.SADASIVAN NAIR,
S.T.BHAVAN, THIRUPURAM PO, NEYYATTINKARA
THIRUVANANTHAPURAM-695 133. (CONDUCTOR
KATTAKADA DEPOT, RETIRED ON 31-03-2010)
5. T.ALBERT,
CHRISTUNILAYAM, MEKKE KEELIYODE, VANDANOOR
PERUMPAZHUTHOOR PO
THIRUVANANTHAPURAM-695 126. (CONDUCTOR
TRIVANDRUM C/L DEPOT, RETIRED ON 31-03-2010)
6. A.SREEKUMAR,
ROHINI, VALIYAVILA ROAD, OORUTTAMBALAM PO
THIRUVANANTHAPURAM-695 135. (CONDUCTOR
TRIVANDRUM C/L DEPOT, RETIRED ON 31-03-2010)
7. C.STEEPEN,
PARANIKIMAMVILA VEEDU, MANNADIKONAM, RUSSALPURAM PO
BALARAMAPURAM
THIRUVANANTHAPURAM-695 501. (CONDUCTOR, PAPPANAMCODE
RETIRED ON 31-03-2010)

BY ADV. SRI.N.SASIDHARAN UNNITHAN

W.P (C) No.6999/2015

: 2 :

RESPONDENT(S):

KERALA STATE ROAD TRANSPORT CORPORATION,
REP. BY THE MANAGING DIRECTOR, KSRTC, TRANSPORT BHAVAN
THIRUVANANTHAPURAM-695 023.

R1 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 6999 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT P1 : COPY OF GOVERNMENT ORDER GO(MS) NO.9/2001/TRAN DT 05-03-2001.

EXT P2 : COPY OF MEMORANDUM OF SETTLEMENT DATED 13-04-1999.

EXT P3 : COPY OF CERTIFICATES ISSUED BY THE KSRTC SHOWING THE DAILY
WAGE APPOINTMENT OF THE 1ST AND 6TH PETITIONERS.

EXT P4 : COPY OF APPOINTMENT ORDER DATED 08-03-2001 ISSUED TO THE
PETITIONERS 2 TO 5 AND 7TH BY THE KSRTC.

EXT P5 : COPY OF THE RELEVANT PAGES OF THE PENSION BOOK OF THE
PETITIONERS 1 TO 6 ISSUED BY THE KSRTC.

EXT P6 : COPY OF THE PENSION PASS OF THE 7TH PETITIONER ISSUED BY THE
KSRTC.

EXT P7 : COPY OF JUDGMENT DATED 20-02-2015 IN WA.NO.150/2010 AND
CONNECTED CASES OF THIS HONOURABLE COURT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.6999 of 2015

Dated this the 10th day of April, 2015

J U D G M E N T

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 petitioners prior to their 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 petitioners also to whom the benefits of the Larger Bench decision of this Court shall be extended.

2. The 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 petitioners would also be subject to the modification if any by the Supreme Court in the Special Leave Petition ofcourse to be filed. The respondent is directed to do the needful in the case of

the petitioners within a period of three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.