

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 9736 of 2013 (N)

PETITIONER:

**R.SURESH BABU
CONDUCTOR GRADE I
KERALA STATE ROAD TRANSPORT CORPORATION
KOTTAYAM DEPOT, RESIDING ATRAVEENDRAVILAS, KOTHALA P O
PAMPADY, KOTTAYAM DIST**

**BY ADV. SRI.K.R.B KAIMAL (SENIOR)
BY ADVS.SRI.B.UNNIKRISHNA KAIMAL..**

RESPONDENT(S)/RESPONDENTS:

**1. KERALA STATE TRANSPORT CORPORATION
REP BY ITS MANAGING DIRECTOR, TRANSPORT BHAVAN, FORT
THIRUVANANTHAPURAM-695023**

**2. THE PERSONNEL MANAGER
KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM-695023**

**R1, R 2 BY ADV. SRI.BABU JOSEPH KURUVATHAZHA, SC, KSRTC
R1, R2 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC**

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-02-2015, ALONG WITH WPC. 27029/2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONER(S)' EXHIBITS

- EXT.P1:- TRUE COPY OF THE MEMO NO RB(2)18628/92/CW DTD 15/4/1996
ISSUED BY THE P S C TO THE PETITIONER
- EXT.P2:- TRUE COPY OF THE MEMO NO PLA 4-000987/96 DTD 12/18-4-1996
ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER
- EXT.P3:- TRUE COPY OF THE JUDGMENT DTD 24/6/1999 OF THIS
HON'BLE COURT WA NO 537 OF 1997
- EXT.P4:- TRUE COPY OF THE ORDER NO PLA4/000987/96 DTD 18/11/1999
ISSUED BY THE 1ST RESPONDENT
- EXT.P5:- TRUE COPY OF THE ORDER NO PLA4-000987/96 DTD NIL,
ISSUED BY THE DISTRICT TRANSPORT OFFICER, KOTTAYAM
- EXT.P6:- TRUE COPY OF THE MEMORANDUM NO E2-5082/99/KTM DTD
27/11/1999 ISSUED BY THE DISTRICT TRANSPORT OFFICER,
KOTTAYAM
- EXT.P7:- TRUE COPY OF THE DRAFT GRADATION LIST OF
CONDUCTORS AS ON 1/4/2009
- EXT.P8:- TRUE COPY OF THE MEMORANDUM NO PL 10/000374/11 DTD
20/1/2012 ISSUED BY THE ADMINISTRATIVE OFFICER
(PERSONNEL SECTION) OF THE 1ST RESPONDENT
- EXT.P8(a):- TRUE COPY OF THE DRAFT GRADATION LIST OF
CONDUCTORS ANNEXED TO EXT P 8
- EXT.9:- TRUE COPY OF THE ORDER NO PL 10/0000001/12 DTD 14/2/2013
ISSUED BY THE PERSONNEL MANAGER (2ND RESPONDENT
HEREIN) OF THE CORPORATION
- EXT.P10:- TRUE COPY OF THE ORDER NO PL 10/001001/13 DTD 19/2/2013
ISSUED BY THE 2ND RESPONDENT
- EXT.P11:- TRUE COPY OF THE JUDGMENT DTD 19/10/2006 OF THIS
HON'BLE COURT IN WPC NO 12721/2005

RESPONDENT(S)' EXHIBITS

NIL

TRUE COPY

P.A TO JUDGE

A.V.RAMAKRISHNA PILLAI,J

.....
W.P.(C)Nos.9736 and 27029 of 2013

.....
Dated this the 13th day of February,2015.

J U D G M E N T

- The petitioners were appointed as Grade-I Conductors on completion of 8 years of service in Grade-II. The petitioners allege that in seniority list of Conductors prepared on the basis of Rule 27(c) of K.S.S.R, the petitioners were assigned ranks based on their dates of advice by P.S.C. The next promotion of the post of Conductors is to the post of Stationmasters on the basis of seniority.

2. The grievance of the petitioners is that they are overlooked in the matter of promotion on a wrong ground that they have not secured promotion to Selection Grade/Special Grade which are time bound grades. This according to the petitioner is illegal. It is with this background the petitioners have come up before this Court.

3. In the counter affidavit filed by the respondents, they relied on Grade Promotion Rules, a copy of which is

produced and marked as Ext.R1(a). According to them as per the GP Rules, for getting ratio promotion to the post of Stationmaster, a Conductor has to complete the required length of qualifying service in each post namely Reserve II grade (9 years)-I grade (6 years)- Selection Grade (3 years)- Special Grade Conductor respectively. Thus according to the respondents, in total 18 years of qualifying service is required to get promotion to the post of Special Grade Conductors. According to them, from the posts of Special Grade Conductor, the senior most would be promoted to the supervisory post of Stationmaster.

4. Arguments have been heard.

5. According to the petitioners, the denial of promotion to the petitioners as Stationmasters while their juniors were promoted is arbitrary, illegal and indiscriminatory. The stand taken by the petitioners that their seniority in the gradation list is based on in the PSC advice list, is not disputed by the respondent. The

petitioners were thus given the right of seniority in the category of conductors. However, they have not been granted promotion to the post of Selection Grade or Special Grade because they have not completed the requisite period of service for such grade promotion. It has to be noted that grade promotion based on the length of actual service is not relevant for promotion to cadre post like station masters.

6. At the time of hearing, the learned Counsel for the petitioners invited my attention to a decision of a learned Single Judge of this Court in W.P(C) No.7813/2014. In that case also, the Respondent Corporation placed reliance on the Grade Promotion Rules and contended that the length of service rendered by an employee in a particular grade, such as Grade II, Grade I, Selection Grade or Special Grade has to be reckoned. Repelling the said contention, the learned Single Judge observed that the Grade Promotion Rules cannot impact or impair the overall seniority of an

employee, seeking cadre or rank promotion. Therefore, this Court is of the view that the petitioners in these cases are entitled to succeed.

In the result the writ petitions are disposed as under:

W.P(C)No.9736/2013

This writ petition is disposed of directing the respondents to promote the petitioner as Stationmaster with effect from the date of promotion of his juniors as per Exts.P9 and P10 orders in accordance with the petitioner's seniority in the cadre of conductors as per Exts.P7 and P8(a) draft gradation list and to grant him all consequential service benefits including fixation of pay and arrears.

W.P(C)No.27029/2013

This writ petition is disposed of directing the respondents to promote the petitioners as Stationmasters with effect from the date of promotion of their juniors as per Ext.P6 order and to grant them all consequential service benefits including arrears of salary.

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The above exercises shall be completed within a period of two months from the date of receipt of a copy of this judgment.

**A.V.RAMAKRISHNA PILLAI,
JUDGE**

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