

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 7560 of 2015 (T)

PETITIONER(S):

1. S.BABURAJ, AGED 57 YEARS
TC NO.40/1621, KULATHUVILAKAM, MANAKKADU PO
THIRUVANANTHAPURAM-695 009. (CONDUCTOR
TRIVANDRUM CITY DEPOT, RETIRED ON 30-11-2013)
2. R.G.ANIL KUMAR,
PARVATHIMANDIRAM, TC 27/1454, RISHIMANGALAM
THIRUVANANTHAPURAM-695 035. (CONDUCTOR
VIKAS BHAVAN DEPOT, RETIRED ON 28-02-2014)
3. P.S.ASOKA KUMAR,
ROHINI, PIRAPPANCODE, VENJARAMOODU
THIRUVANANTHAPURAM. (CONDUCTOR
TRIVANDRUM CITY DEPOT, RETIRED ON 30-04-2014)
4. P.KRISHNAN,
ELANJITHALA PUTHEN VEEDU, KAVALAKULAM
NEYYATTINKARA PO, THIRUVANANTHAPURAM. (CONDUCTOR
VELLANADU DEPOT, RETIRED ON 30/11/2013)
5. A.SHAHABUDEEN,
FASAL MANZIL, KIDARAKUZHY, VENGANOOR PO
THIRUVANANTHAPURAM DIST. (CONDUCTOR, VELLANADU DEPOT
RETIRED ON 31-05-2014)
6. E.JAYARAJ,
ABHISHEKAM, MOOKKAMPALAVILA, CHOWARA PO
THIRUVANANTHAPURAM DIST. (CONDUCTOR, VIZHINJAM DEPOT
RETIRED ON 30/11/2013)
7. V.SIVARAJAN,
PINARUNINNA VILAKATHU VEEDU, MULLOOR PO
THIRUVANANTHAPURAM DIST. (CONDUCTOR, VIZHINJAM DEPOT
RETIRED ON 30/11/2013)

8. K.SUDHAKARAN NADAR,
SOORYA BHAVAN, VALYAVEETU VILAKOM, VENGANNOOR PO
THIRUVANANTHAPURAM DIST. (CONDUCTOR, VIZHINJAM DEPOT
RETIRED ON 31-10-2012)
9. T.T.SUJAYARAJ,
SHOBI COTTAGE, MOONGODE, MALAYINKEEZH PO
THIRUVANANTHAPURAM DIST. (CONDUCTOR, VIZHINJAM DEPOT
RETIRED ON 30/11/2013)
10. K.SURENDRA KUMAR,
SUNIL BHAVAN, CHOOZHA, ARYANADU PO
THIRUVANANTHAPURAM. (DRIVER, ARYANADU DEPOT
RETIRED ON 30/11/2013)

BY ADV. SRI.N.SASIDHARAN UNNITHAN

RESPONDENT(S):

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

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 7560 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT P1 : COPY OF MEMORANDUM NO.PL12/025739/2008 DT 7.4.2012 ISSUED TO
THE PETITIONERS.

EXT P2 : COPY OF MEMORANDUM OF SETTLEMENT DT 13.4.1999.

EXT P3 : COPY OF CERTIFICATE/MEMO/CASH RECEIPT ISSUED BY THE KSRTC
SHOWING THE DAILY WAGE APPOINTMENT OF THE PETITIONERS.

EXT P4 : COPY OF THE PENSION PASS OF THE PETITIONERS 1 TO 5 ISSUED BY THE
KSRTC.

EXT P5 : COPY OF THE RELEVANT PAGES OF THE PENSION BOOK OF THE
PETITIONERS 6 TO 10 ISSUED BY THE KSRTC.

EXT P6 : COPY OF JUDGMENT DT 20.2.2015 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.7560 of 2015

Dated this the 18th day of March, 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.