

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. 7914 of 2015 (L)

PETITIONER(S):

1. K.RAJENDRAN, AGED 58 YEARS
MEKKUMKARA PUTHEN VEEDU, ALAMPARA, NANDIYODE
PACHA P.O., THIRUVANANTHAPURAM-695 562, (CONDUTOR
PALODE DEPOT, RETIRED ON 30/11/2012).
2. K.RADHAKRISHNAN
A-20, SREYAS, KANAKA NAGAR
KOWDIAR, THIRUVANANTHAPURAM-695003 (CONDUCTOR
PEROORKADA DEPOT, RETIRED ON 30/11/2012).
3. J.RAMACHANDRAN
T.C.52/804, VILAYIL MELEPUTHEN VEEDU
POOZHICKUNNU ESTATE P.O.
THIRUVANANTHAPURAM-695 019. (CONDUCTOR
PAPPANANCODE DEPOT, RETIRED ON 30/11/2012).
4. D.JAYAKUMAR
V.J.BHVAN, SAGARA-22, PATHIRAPPALLY
KUDAPPANAKKUNNU
THIRUVANANTHAPURAM-695043. (CONDUCTOR
PEROORKADA DEPOT, RETIRED ON 30/11/2012).
5. J.LAWRENSON JOSE
L.S.BHAVAN, CHAKKIPPARA, KONNIYOOR
PUNALAL P.O., THIRUVANANTHAPURAM DIST. (CONDUCTOR
VELLANADU DEPOT, RETIRED ON 31/5/2013).
6. B.RAVEENDRAN NAIR
RAVEENDRA VILASOM, CHERIYAKONNI P.O.
THIRUVANANTHAPURAM-695013. (CONDUCTOR
PEROORKADA DEPOT, RETIRED ON 30/11/2012).
7. S.BADARUDEEN RAWTHER
CHENNANKARA, THALACHIRA P.O., KOTTARAKARA
KOLLAM DIST. (CONDUCTOR, PATHANAPURAM DEPOT
RETIRED ON 30/4/2012).
8. K.SUDEVAN
CHARUVILA VEEDU, CHETHADY, CHENGAMANADU P.O.
KOTTARAKARA, KOLLAM DIST. (CONDUCTOR
PATHANAMTHITTA DEPOT, RETIRED ON 30/9/2013).

: 2 :

9. J.SASIDHRAN NAIR
PONPARA PUTHEN VEEDU, PERAYAM, MEENMUTTY
PACHA P.O., THIRUVANANTHAPURAM 695562. (DRIVER
NEDUMANGAD DEPOT, RETIRED ON 31/10/2014).
10. D.SASIDHARAN PILLAI
M.S.MANDIRAM, OORALIKONAM, KARUMANCODE P.O.
THIRUVANANTHAPURAM DIST. (DRIVER NEDUMANGAD DEPOT
RETIRED ON 30/9/2012).

BY ADV. SRI.N.SASIDHARAN UNNITHAN

RESPONDENT(S):

KERALA STATE ROAD TRANSPORT CORPORATION
REP.BY THE MANAGING DIRECTOR, KSRTC, TRANSPORT BHAVAN
THIRUVANANTHAPURAM-695023.

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:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: COPY OF MEMORANDUM NO.PL 12/025739/2008 DATED 7/4/2012
ISSUED TO THE 1ST PETITIONER.

EXHIBIT-P2: COPY OF RELEVANT PAGE OF MEMORANDUM OF SETTLEMENT DATED
13/4/1999.

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

EXHIBIT-P4: COPY OF 1ST PAGE OF THE PENSION BOOK OF THE PETITIONERS
1 TO 6, 8TH AND 10TH ISSUED BY THE KSRTC.

EXHIBIT-P5: COPY OF THE PENSION PASS OF THE 7TH AND 9TH PETITIONERS
ISSUED BY THE KSRTC.

EXHIBIT-P6: COPY OF JUDGMENT DATED 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.7914 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.