

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. 8539 of 2015 (N)

PETITIONER(S):

1. R.RAVI, AGED 58 YEARS
AISWARYA, THENNOOR PO
THIRUVANANTHAPURAM-695 563. (CONDUCTOR
VITHURA DEPOT, RETIRED ON 30-11-2012)
2. P.SUDARSANAN,
S.S.BHAVAN, ERIYANADU, PANAVOOR PO
THIRUVANANTHAPURAM-695 562. (CONDUCTOR
NEDUMANGADU DEPOT, RETIRED ON 31-05-2012)
3. V.SREEKANTAN NAIR,
GEETHA BHAVAN, MEMALA PO, VITHURA
THIRUVANANTHAPURAM-695 551. (CONDUCTOR
NEDUMANGADU DEPOT, RETIRED ON 30-11-2012)
4. B.BHUVANENDRAN NAIR,
NEDUMPURATHU VEEDU, ARYA-KOLLA PANAVOOR PO
THIRUVANANTHAPURAM-695 133. (CONDUCTOR
NEDUMANGADU DEPOT, RETIRED ON 30-11-2012)
5. N.RAJAGOPALAN NAIR,
KRISHNA VILASOM, MEMALA, VITHURA PO
THIRUVANANTHAPURAM-695 551. (CONDUCTOR
NEDUMANGADU DEPOT, RETIRED ON 31-10-2012)
6. G.SUDHAKARAN NAIR,
SREEGANGA NILAYAM, KODOOR, VENCODE PO
THIRUVANANTHAPURAM-695 028. (CONDUCTOR
VIKAS BHAVAN DEPOT, RETIRED ON 30-11-2012)
7. P.MOHANAN,
BHAGAVATHY VILASAM PUTHEN VEEDU, KULAKKODE
VELLANADU PO, THIRUVANANTHAPURAM-695 006.
(CONDUCTOR, VELLANADU DEPOT, RETIRED ON 30-06-2013)
8. K.RAVEENDRAN,
SONIYA COTTAGE PO, DARSAN NAGAR, KUDAPPANAKUNNU
THIRUVANANTHAPURAM-695 043. (CONDUCTOR
PEROORKADA DEPOT, RETIRED ON 30-11-2012)

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9. P.G.KRISHNA PILLAI,
SREE HARIYIL, PAZHANGALAM, NALLILA PO
KOLLAM-691 515. (CONDUCTOR, KOTTARAKARA DEPOT
RETIRED ON 30-11-2013)
10. M.THOMAS,
SABARIYAR MANDIRAM, VETTIKKAVAL PO, KOTTARAKARA
KOLLAM-691 538. (CONDUCTOR, KOTTARAKA DEPOT
RETIRED ON 31-10-2012)
11. G.SOMAN PILLAI,
PLAVILA VEEDU, VILANGARA, PLAPPALLY PO
KOLLAM-691 531. (CONDUCTOR, KOTTARAKARA DEPOT
RETIRED ON 31-10-2013)
12. K.G.MADHUSOODANAN PILLAI,
KRISHNA VILASAM, ARKKANNOOR, AYOOR
KOLLAM-691 533. (CONDUCTOR, KILIMANNOOR DEPOT
RETIRED ON 30-11-2012)
13. P.MAHEENKHAN,
S.L.MANDIRAM, PARUTHIVILA, THIRUPURAM PO
NEYATTINKARA
THIRUVANANTHAPURAM-695 133. (CONDUCTOR
PAPPANAMCODE DEPOT, RETIRED ON 31-12-2014)
14. T.A.SURESH,
PALLITHARA HOUSE, JAYAPRAKASH LANE, KUDAPPANAKUNNU
THIRUVANANTHAPURAM-695 043. (CONDUCTOR, PEROORKADA
RETIRED ON 31-05-2013)
15. K.SASI,
MANNAMVILA VEEDU, RUSSALPURAM PO, ERATHAVOOR
THIRUVANANTHAPURAM-695 006. (CONDUCTOR, PAPPANAMCODE
RETIRED ON 31-10-2012)
16. K.O.PAPPACHAN,
K.P.S.SADANAM, VETTIKKAVALA PO, KOTTARAKARA
KOLLAM-691 538. (DRIVER, KOTTARAKARA DEPOT
RETIRED ON 30-09-2012)

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:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT P1 : COPY OF MEMORANDUM DATED 07-04-2012 ISSUED BY THE KSRTC

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

EXT P3 : COPY OF CERTIFICATES/CASH RECEIPTS ISSUED BY THE KSRTC SHOWING
THE DAILY WAGE APPOINTMENT OF THE PETITIONERS 1 TO 13.

EXT P4 : COPY OF APPOINTMENT MEMORANDUM ISSUED TO THE PETITIONERS 14
AND 16 FROM THE KSRTC.

EXT P5 : COPY OF THE RELEVANT PAGES OF THE SENIORITY LIST SHOWING THE
INITIAL APPOINTMENT OF THE 15TH PETITIONER.

EXT P6 : COPY OF THE PENSION PASS OF THE PETITIONERS 1 TO 11 AND 13 TO 16
ISSUED BY THE KSRTC.

EXT P7 : COPY OF THE 1ST PAGE OF THE PENSION PASS OF THE 12TH PETITIONER.

EXT P8 : 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.8539 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.