

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 9179 of 2015 (V)

PETITIONER(S):

K.M.ABDUL RAHIMAN, AGED 56 YEARS,
S/O.MUHAMMED,
KARAMATTATHIL HOUSE, PALLARIMANGALAM P.O.
KOTHAMANGALAM - 686 671, ERNAKULAM DISTRICT.
(DRIVER - RETIRED ON 30.11.2013 FROM MUVATTUPUZHA DEPOT)

BY ADV. SRI.K.P.JUSTINE (KARIPAT)

RESPONDENT(S):

1. THE MANAGING DIRECTOR
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, EAST FORT,
THIRUVANANTHAPURAM - 695 027.
2. THE EXECUTIVE DIRECTOR (ADMINISTRATION)
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, EAST FORT,
THIRUVANANTHAPURAM - 695 027.
3. THE ASSISTANT TRANSPORT OFFICER
KERALA STATE ROAD TRANSPORT CORPORATION,
MUVATTUPUZHA - 686 611.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) No.9179 OF 2015

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE PENSION PASS ISSUED TO THE PETITIONER.
- EXHIBIT P2 : TRUE COPY OF THE PAGE NO.15 OF THE SERVICE BOOK.
- EXHIBIT P3 : TRUE COPY OF THE RELEVANT PAGES OF THE SERVICE BOOK OF THE PETITIONER.
- EXHIBIT P4 : TRUE COPY OF THE MEMO NO.PLI-893/02/PBVR DATED 12.9.2002.
- EXHIBIT P5 : TRUE COPY OF THE MEMO NO.PLI-1146/07/PBVR DATED 29.6.2007.
- EXHIBIT P6 : TRUE COPY OF THE REPRESENTATION DATED 28.2.2014 SENT TO THE FIRST RESPONDENT.
- EXHIBIT P7 : TRUE COPY OF THE JUDGMENT REPORTED 1 2015(2) KHC 1 (LARGER BENCH) FRANCIS K.L. V. KSRTC, TVM & ANOTHER.
- EXHIBIT P8 : TRUE COPY OF THE LETTER DATED 17.2.2015 ISSUED BY THE CANARA BANK TO THE SON OF THE PETITIONER.

RESPONDENT(S) EXHIBITS

NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.9179 of 2015

Dated this the 23rd 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 petitioner prior to his 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 petitioner also to whom the benefits of the Larger Bench decision of this Court shall be extended.

2. The respondents submit 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 petitioner would also be subject to the modification if any by the Supreme Court in the Special Leave Petition ofcourse to be filed. The respondents are directed to do the needful in the case

of the petitioner 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.