

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 9486 of 2015 (I)

PETITIONERS:

1. ABRAHAM V, S/O. VARKEY, PLAMKUDIYIL HOUSE,
MOOLANKAVU P.O., SULTHAN BATHERY, WAYANAD.
2. SOMANADHAN P., S/O. SANKARANARAYANAN NAIR,
PUTHUKKODE, PORUR, PLAMKUDIYIL HOUSE,
MOOLANKAVU P.O., MANANTHAVADY TALUK, WAYANAD.
3. T.I. JOY, S/O. IYPE, THOTTIYIL HOUSE, THAZHEMUNDA P.O.,
KENICHIRA, SULTHAN BATHERY, WAYANAD.
4. P.V. ITTIAVIRA, S/O. VARGHESE, POKKATHAYIL HOUSE,
ARATTUTHARA P.O., MANANTHAVADY, WAYANAD.
5. BALAKRISHNAN K.K., S/O. AANDY, KANNANKUNNEMMEL
VAZHAKKALIL HOUSE, THAMARASSERY P.O.,
RAROTHU VILLAGE, THAMARASSERY TALUK.
6. VARGHESE P.O., S/O. POULOSE, PULIPARAMBIL
HOUSE, MEENANGADI P.O., MARKET ROAD,
SULTHAN BATHERY TALUK, WAYANAD.
7. LOHITHAKSHAN K., S/O. KUNHIRAMAN,
KAKKUZHIYIL HOUSE, KUPPADI P.O.,
KOTTAKUNNU, KUPPADI VILLAGE,
SULTHAN BATHERY TALUK, WAYANAD.

BY ADV. DR. GEORGE ABRAHAM

RESPONDENTS:

1. THE KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM 695 003.
2. THE CHAIRMAN & MANAGING DIRECTOR
KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM 695 003.
3. THE CHIEF PERSONNEL MANAGER,
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM 695 003.

BY SRI. M. GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE MEMORANDUM DATED 07.04.2012 ISSUED BY THE 1ST RESPONDENT IN FAVOUR OF THE 1ST PETITIONER.
- EXHIBIT P2 : TRUE COPY OF THE RELIEVING ORDER DATED 28.04.2012 ISSUED IN FAVOUR OF THE 1ST PETITIONER.
- EXHIBIT P3 : TRUE COPY OF THE MEMORANDUM DATED 07.04.2012 ISSUED BY THE 1ST RESPONDENT IN FAVOUR OF THE 2ND PETITIONER.
- EXHIBIT P4 : TRUE COPY OF THE RELIEVING ORDER DATED 29.11.2012 ISSUED BY THE 1ST RESPONDENT IN FAVOUR OF THE 2ND PETITIONER.
- EXHIBIT P5 : TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED 07.04.2012.
- EXHIBIT P6 : TRUE COPY OF THE COMMUNICATION DATED ISSUED BY THE DISTRICT TRANSPORT OFFICER, SULTHAN BATHERY.
- EXHIBIT P7 : TRUE COPY OF THE ORDER DATED 07.04.2012 ISSUED TO THE 4TH PETITIONER.
- EXHIBIT P8 : TRUE COPY OF THE RELIEVING ORDER DATED 29.11.2012 ISSUED TO THE 4TH PETITIONER.
- EXHIBIT P9 : TRUE COPY OF THE ORDER DATED 07.04.2012 ISSUED BY THE 1ST RESPONDENT TO THE 5TH PETITIONER.
- EXHIBIT P10 : TRUE COPY OF THE ORDER DATED 07.04.2012 ISSUED BY THE 1ST RESPONDENT TO THE 6TH PETITIONER.
- EXHIBIT P11 : TRUE COPY OF THE ORDER DATED 30.04.2014 ISSUED BY THE DISTRICT TRANSPORT OFFICER, SULTHAN BATHERY TO THE 6TH PETITIONER.
- EXHIBIT P12 : TRUE COPY OF THE ORDER DATED 07.04.2012 ISSUED BY THE 1ST RESPONDENT TO THE 7TH PETITIONER.
- EXHIBIT P13 : TRUE COPY OF THE ORDER DATED 30.12.2014 ISSUED BY THE DISTRICT TRANSPORT OFFICER, WAYANAD TO THE 7TH PETITIONER.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 25th day of March, 2015

JUDGMENT

The issue is covered by the common judgment dated 20.02.2015 by the Larger Bench of this Court in **K.L. Francis Vs. 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

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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.

**V. CHITAMBARESH
JUDGE**

ncd