

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 9699 of 2015 (J)

PETITIONERS:

1. P.VISWADAS, (CONDUCTOR, KSRTC, CHATHANOOR DEPOT
RETIRED ON 31.10.2013), K.R.SADANAM, KEDAKULAM
ELAKAMON PO, VARKALA, THIRUVANANTHAPURAM.
2. G.DILEEP KUMAR, (CONDUCTOR (SPL. GRADE),
KSRTC, KOTTARAKKARA DEPOT, RETIRED ON 31.1.2015),
VINI NIVAS, PARUTHIYARA, ODANAVATTOM PO, KOTTARAKKARA.
3. K.SHANMUGHAN ASSARY, (DRIVER, KSRTC,
VIZHINJAM DEPOT, RETIRED ON 31.10.1997),
SIVASAKTHI NIVAS, NEAR CANAL BRIDGE,
THEMPAMUTTAM, BALARAMAPURAM,
THIRUVANANTHAPURAM.
4. N. UNNIKRISHNAN, (DRIVER, KSRTC, PAPPANAMCODE DEPOT,
RETIRED ON 31.05.1996), THENGAKKOTTU VILAKATHU HOUSE,
KAIMANAM, PAPPANAMCODE P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.K.P.RAJEEVAN

RESPONDENT:

KERALA STATE ROAD TRANSPORT CORPORATION,
REP. BY ITS MANAGING DIRECTOR, TRANSPORT BHAVAN, FORT
THIRUVANANTHAPURAM, PIN-695 023.

BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 : TRUE COPY OF 1ST TO 3RD PAGES OF PENSION BOOK ISSUED TO THE 1ST PETITIONER.
- EXT P1A : A TRUE COPY OF MEMORANDUM DT 21.4.1980 ISSUED BY THE DISTRICT TRANSPORT OFFICER, KOTTARAKKARA TO THE 2ND PETITIONER.
- EXT P2 : TRUE COPY OF JUDGMENT REPORTED IN 2005(2)KLJ 602.
- EXT P3 : TRUE COPY OF THE REPRESENTATIONS DATED 28.2.2015 OF 1ST PETITIONER.
- EXT P3A : TRUE COPY OF THE REPRESENTATIONS DATED 28.2.2015 OF 2ND PETITIONER.
- EXT P3B : TRUE COPY OF THE REPRESENTATIONS DATED 28.2.2015 OF 3RD PETITIONER.
- EXT P3C : TRUE COPY OF THE REPRESENTATIONS DATED 28.2.2015 OF 4TH PETITIONER.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 26th 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