

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No. 10063 of 2015 (G)

PETITIONER(S):

1. M. THAJA, SURMI MANZIL, MELEVALICODE
NEDUMAHGAD P.O.
THIRUVANANTHAPURAM - 695 541
(CONDUCTOR, NEDUMANGAD DEPOT, RETIRED ON 31.7.2013)
2. R.RAMACHANDRAN NAIR, VYSAKH, MANGOOTTAM LANE P.O.,
EDAKKODE, NEMOM P.O.,
THIRUVANANTHAPURAM - 695 020.
3. D.MOHAN, KENIYIL, KULAVARAMBIL, VEEDU,
T.C.11/1908,
NANDANCODE, THIRUVANANTHAPURAM - 695 003
(CONDUCTOR, PEROORKADA DEPOT, RETIRED ON 31/8/2012)
4. V.MOHANAN, SOBHANA BHAVAN, VAZHAVILA, MANALLOOR,
NEYATTINKARA P.O., THIRUVANANTHAPURAM - 695 151.
(CONDUCTOR, PAPPANAMCODE DEPOT, RETIRED ON 31/5/2012)
5. R.MOHANDAS, DENI VILASOM, KURUMTHALI, PACHA P.O.,
PALODE, THIRUVANANTHAPURAM DISTRICT - 695 562.
(DRIVER, NEDUMANGAD DEPOT, RETIRED ON 30/11/2012)
6. IDIKULA THOMAS,
NISHA BHAVAN, KATTANAM, PALLICKAL P.O.
ALAPPUZHA DISTRICT - 690 503.
(DRIVER, ADOOR DEPOT, RETIRED ON 30/11/2012)
7. K.RAJASEKHARAN PILLAI,
VIJAYA BHAVAN, EDAMULAKKAL P.O., ANCHAL,
KOLLAM DISTRICT - 691 306.
(DRIVER, CHADAYAMANGALAM DEPOT, RETIRED ON 30/11/2012)
8. G.PRABHUKUMAR, S/O.GANGADHARAN NAIR
UTHRADOM - NRA G-46, NEDUMBRAM LANE,
PEROORKADA P.O., THIRUVANANTHAPURAM - 695 005.
(STATION MASTER, PEROORKADA DEPOT, RETIRED ON 31/3/2010)

9. C.ASOKAN, MAVILA VEEDU, KAZHAVOOR P.O.
VIZHINJAM, THIRUVANANTHAPURAM - 695
(CONDUCTOR, CITY DEPOT, RETIRED ON 30/4/2014)
10. B.VIJAYAN, VIJAYAMANDIRAM, CICILIPURAM,
VENGANOOR P.O., THIRUVANANTHAPURAM - 695 523
(CONDUCTOR, VIZHINJAM 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 - 695 023.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.10063 OF 2015

PETITIONER'S EXTS:

- EXT.P1 COPY OF MEMORANDUM NO.PL12/025739/2008 DATED 7.4.2012 ISSUED FROM THE KSRTC.
- EXT.P2 COPY OF THE RELEVANT PAGES OF THE MEMORANDUM OF SETTLEMENT DATED 13/4/1999
- EXT.P3 COPY OF THE CASH RECEIPT/APPOINTMENT MEMO ISSUED BY THE KSRTC SHOWING THE DAILY WAGE APPOINTMENT OF THE PETITIONERS 1 TO 8.
- EXT.P4 COPY OF THE FIRST PAGE OF THE PENSION BOOK/PENSION PASS OF THE PETITIONERS ISSUED BY THE KSRTC.
- EXT.P5 COPY OF THE JUDGMENT DATED 18/3/2015 IN W.P(C) NO. 7914/2015 OF THIS HON'BLE COURT.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.10063 of 2015

Dated this the 30th 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.