

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 11331 of 2015 (N)

PETITIONERS:

1. **S. MOHANRAJ,
KAVINPURATH PUTHEN VEEDU
PALLICHAL, NARUVAMOODU P.O.
THIRUVANANTHAPURAM DISTRICT
(CONDUCTOR, PAPPANAMCODE DEPOT, RETIRED ON 30.11.2012)**
2. **K. JOHNNKUTTY
SALEM BHAVAN, ELAMADU P.O.
AYOOR, KOLLAM DIST.
(CONDUCTOR, KILIMANOOR DEPOT, RETIRED ON 30.11.2012)**
3. **G. RETNAKARAN
RETNAILASATH VEEDU, EDAYAM P.O.
MUTHUVANATH MUKKU, KOLLAM DISTRICT
(DRIVER, PUNALUR DEPOT, RETIRED ON 31.3.2015)**
4. **S. RADHAKRISHNA PILLAI
MOOLAKUNNATH VEEDU, MANIYAR P.O.,
PUNALUR, KOLLAM DISTRICT
(DRIVER, PUNALUR DEPOT, RETIRED ON 31.10.2007)**
5. **K. SEKHARAN KUTTY
CHARUVILA PUTHEN VEEDU, KALLUMALA
PUNALUR P.O., KOLLAM DIST.
(DRIVER, PUNALUR DEPOT, RETIRED ON 30.04.2007)**
6. **K. RAJENDRAN NAIR
UTHIMOODU VEEDU, PALODE, PACHA P.O.,
THIRUVANANTHAPURAM DISTRICT
(CONDUCTOR, PALODE DEPOT, RETIRED ON 30.06.2012)**

BY ADV. SRI.N.SASIDHARAN UNNITHAN

RESPONDENT:

**KERALA STATE ROAD TRANSPORT CORPORATION
REP. BY THE MANAGING DIRECTOR
KSRTC, TRANSPORT BHAVAN, THIRUVANANTHAPURAM - 695 023**

BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 COPY OF MEMORANDUM NO. PL12/025736/2008 DATED 7.4.2012
ISSUED FROM THE KSRTC**
- EXT.P2 COPY OF THE RELEVANT PAGES OF THE MEMORANDUM OF
SETTLEMENT DATED 13.04.1999**
- EXT.P3 COPY OF THE CERTIFICATE/CASH RECEIPT ISSUED BY THE
KSRTC SHOWING THE DAILY WAGE APPOINTMENT OF THE
PETITIONERS 1 TO 5**
- EXT.P4 COPY OF THE PENSION PASS OF THE PETITIONERS ISSUED
BY THE KSRTC**
- EXT.P5 COPY OF JUDGMENT DATED 18.03.2015 IN W.P.(C). NO. 7914/2015 OF
THIS HONOURABLE COURT**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO.11331 OF 2015

Dated this the 7th day of April, 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 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.

**V. CHITAMBARESH
JUDGE**

DCS