

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 11882 of 2015 (I)  
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PETITIONER(S):  
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1. R.UNNIKRISHNAN, AGED 42 YEARS  
DRIVER, KSRTC  
THIRUVANANTHAPURAM CITY DEPOT  
FORT, THIRUVANANTHAPURAM.
2. P.P.SHAUKATHALI  
CONDUCTOR, KSRTC  
THAMARASSERI DEPOT, KOZHIKODE DISTRICT.

BY ADV. SRI.K.P.RAJEEVAN

RESPONDENT(S):  
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KERALA STATE ROAD TRANSPORT CORPORATION  
REPRESENTED BY ITS MANAGING DIRECTOR  
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM  
PIN - 695 023.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.11882 OF 2015

PETITIONER'S EXTS:

- EXT.P1        TRUE COPY OF THE PROCEEDINGS DATED 10.7.2014 ISSUED TO  
                 THE SECOND PETITIONER.
- EXT.P2        A TRUE COPY OF JUDGMENT REPORTED IN 2005 (2) KLJ 602.
- EXT.P3        TRUE COPY OF THE REPRESENTATION DATED 7.3.2015 OF THE FIRST  
                 PETITIONER.
- EXT.P3 A      TRUE COPY OF THE REPRESENTATION DATED 7.3.2015 OF THE  
                 SECOND PETITIONER.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

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W.P (C) No.11882 of 2015  
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Dated this the 9<sup>th</sup> day of April, 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.

3. Ext.P3 series representations put in by the petitioners for arrears of salary shall also be dealt with. Steps shall be taken to disburse the eligible amount if any to the petitioners without delay.

The writ petition is disposed of.

Sd/-  
V.CHITAMBARESH,  
Judge.

nj.