

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. 11937 of 2015 (N)

PETITIONER(S):

1. SHAJI MARKOSE, S/O.MARKOSE, AGED 43 YEARS
VATTAPPILLIL HOUSE, PUTHUPARIYARAM P.O., CHITTUR
THODUPUZHA, IDUKKI DISTRICT.
2. T.K.SAJEEVAN, S/O.KUMARAN, AGED 45 YEARS
THOTTAPPILLIL HOUSE, KOLANI P.O.,
THODUPUZHA, IDUKKI DISTRICT.
3. NOBLE THOMAS, S/O.THOMAS, AGED 40 YEARS
MOONNAMTHOTTOM, ARAKKULAM P.O.,
THODUPUZHA, IDUKKI DISTRICT.

BY ADVS.SRI.ANIL THOMAS(T)
SMT.K.V.RESHMI

RESPONDENT(S):

1. THE DISTRICT TRANSPORT OFFICER
KERALA STATE ROAD TRANSPORT CORPORATION
THODUPUZHA, IDUKKI DISTRICT - 685 584.
2. THE SUPERINTENDENT,
KERALA STATE ROAD TRANSPORT CORPORATION
THODUPUZHA DEPOT, IDUKKI DISTRICT - 685 584.
3. KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR
TRANSPORT BHAVAN, FORT,
THIRUVANANTHAPURAM - 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.11937 OF 2015

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : A TRUE COPY OF THE MEMORANDUM BY PL. 12/025739/2008,
DATED 7.4.2012 TO THE FIRST PETITIONER.
- EXHIBIT P2 : A TRUE COPY OF THE MEMORANDUM BY PL.12/025739/2008
DATED 7.4.2012 TO THE SECOND PETITIONER.
- EXHIBIT P3 : A TRUE COPY OF THE MEMORANDUM BY PL.12/025739/2008
DATED 7.4.2012 TO THE THIRD PETITIONER.
- EXHIBIT P4 : A TRUE COPY OF THE REPORTED DECISION IN 2005 KHC 1107
(COMPUTER COPY)
- EXHIBIT P5 : A TRUE COPY OF THE REPRESENTATION FILED BEFORE THE
THIRD RESPONDENT BY THE FIRST PETITIONER DATED
5.3.2015.
- EXHIBIT P5(a) : A TRUE COPY OF THE REPRESENTATION FILED BEFORE THE
THIRD RESPONDENT BY THE SECOND PETITIONER DATED
5.3.2015
- EXHIBIT P5(b) : A TRUE COPY OF THE REPRESENTATION FILED BEFORE THE
THIRD RESPONDENT BY THE THIRD PETITIONER DATED
5.3.2015

RESPONDENT(S) EXHIBITS

NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.11937 of 2015

Dated this the 9th 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 respondents submit 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 respondents are 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.