

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 12174 of 2015 (V)

PETITIONERS:

1. **GOPALAKRISHNAN D,
PUZHUKKAL VEEDU
MOZHIPULAM, THIRINELLAI, PALAKKAD**
2. **VINOD PANDIT S., GEETANJALI
NARIANPARAMBU, KATTUSSERY P.O.,
ALATHUR, PALAKKAD**
3. **A. BHASKARAN, KIZHAKKE VEEDU,
THALUR, PALLASSENA
PALLAVOOR, KUDALLOOR P.O.,
PALAKKAD**
4. **P. MURALI, H. NO. 11/289
MAIN ROAD, OPP. CPI(M) OFFICE
CHITTUR P.O., PALAKKAD**
5. **V.SUDHAMAN, KIZHAKKUMURRY HO
MANJAPRA POST, PALAKKAD**
6. **SURESH KRISHNAN, K. ASWATHI
VADAKETHARA, THENKURRISSI P.O.,
PALAKKAD DIST.**
7. **RAJAN M., MECODE HOUSE
PADUR P.O., KAVASSERY, PALAKKAD**
8. **SWAMINATHAN K, PADIJAREKALAM
POOTHONNI, VADAVANNUR P.O.,
PALAKKAD**
9. **SUARNAN K.M., KOTTAMANGALAM HOUSE
KOTTAYI P.O., PALAKKAD**
10. **CHANDRAN A, THOTTINGAL HOUSE
ATHIPOTTA P.O., ALATHUR, PALAKKAD**

DCS

WP(C).No. 12174 of 2015 (V)

**11. MOHANAN V. MANNAMTHARA, COYILMANNAM
PALAKKAD DIST.**

**12. K. KANNAN, KOOTTAPURAKEL HOUSE
ELAMANNAM, THENKURRISSI P.O.,
PALAKKAD**

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS:

**1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT
TRANSPORT (B) DEPARTMENT,
SECRETARIAT, THIRUVANANATHAPURAM - 695 001**

**2. KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM - 695 001**

**R1 BY GOVERNMENT PLEADER SRI. T.R. RAJESH
R2 BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

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- P1 : COPY OF THE GO DATED 26.12.2011**
- P2 : COPY OF MEMORANDUM DATED 7.4.2012 ISSUED BY THE KSRTC TO THE 1ST PETITIONER**
- P3: COPY OF MEMORANDUM DATED 7.4.2012 ISSUED BY THE KSRTC TO THE 2ND PETITIONER**
- P4: COPY OF MEMORANDUM DATED 10.7.2014 ISSUED BY THE KSRTC TO THE 3RD PETITIONER**
- P5: COPY OF MEMORANDUM DATED 7.4.2012 ISSUED BY THE KSRTC TO THE 4TH PETITIONER**
- P6: COPY OF MEMORANDUM DATED 7.4.2012 ISSUED BY THE KSRTC TO THE 5TH PETITIONER**
- P7: COPY OF MEMORANDUM DATED 7.4.2012 ISSUED BY THE KSRTC TO THE 6TH PETITIONER**
- P8: COPY OF MEMORANDUM DATED 7.4.2012 ISSUED BY THE KSRTC TO THE 7TH PETITIONER**
- P9: COPY OF MEMORANDUM DATED 7.4.2012 ISSUED BY THE KSRTC TO THE 8TH PETITIONER**
- P10: COPY OF MEMORANDUM DATED 7.4.2012 ISSUED BY THE KSRTC TO THE 9TH PETITIONER**
- P11: COPY OF MEMORANDUM DATED 7.4.2012 ISSUED BY THE KSRTC TO THE 10TH PETITIONER**
- P12: COPY OF MEMORANDUM DATED 7.4.2012 ISSUED BY THE KSRTC TO THE 11TH PETITIONER**
- P13: COPY OF MEMORANDUM DATED 8.2.2013 ISSUED BY THE KSRTC TO THE 12TH PETITIONER**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO.12174 OF 2015

Dated this the 10th 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 second 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 second 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