

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(C).No. 13348 of 2015 (P)

PETITIONERS:

1. P.J.AJITHKUMAR, CONDUCTOR (SPL.GRADE),
KSRTC, KOTTARAKKARA DEPOT,
KOTTARAKKARA, KOLLAM.
2. N.BELSRAJAN, CONDUCTOR (SPL.GRADE),
KSRTC, VIZHINJAM DEPOT,
VIZHINJAM, THIRUVANANTHAPURAM.
3. K.JAYAKUMAR, CONDUCTOR (SPL.GRADE),
KSRTC, NEYYATTINKARA DEPOT,
NEYYATTINKARA, THIRUVANANTHAPURAM.
4. A.ABDUL KARIM, CONDUCTOR,
KSRTC, NEYYATTINKARA DEPOT,
NEYYATTINKARA, THIRUVANANTHAPURAM.
5. D.RAJAN, CONDUCTOR (SPL.GRADE),
KSRTC, VIZHINJAM DEPOT,
VIZHINJAM, THIRUVANANTHAPURAM.

BY ADV. SRI.K.P.RAJEEVAN

RESPONDENTS:

1. KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY ITS MANAGING DIRECTOR
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM PIN-695023.
2. DISTRICT TRANSPORT OFFICER,
KSRTC, KOTTARAKKARA DEPOT,
KOTTARAKKARA, KOLLAM, PIN-691506.
3. DISTRICT TRANSPORT OFFICER,
KSRTC, VIZHINJAM DEPOT, VIZHINJAM
THIRUVANANTHAPURAM, PIN-695521.

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4. DISTRICT TRANSPORT OFFICER,
KSRTC, NEYYATTINKARA DEPOT,
NEYYATTINKARA, THIRUVANANTHAPURAM, PIN-695121.

5. STATE OF KERALA REPRESENTED BY
ITS SECRETARY, TRANSPORT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001.

BY SENIOR GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN
BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE DUTY PASS ISSUED TO THE 1ST PETITIONER, DT.NIL.
- EXHIBIT P2 : TRUE COPY OF THE COVER PAGE, PAGES 8.13 AND 17 OF THE BILATERAL AGREEMENT PUBLISHED BY THE GOVT.AS PER GO(P) NO.26/09/TRAN DT.13-2-2009.
- EXHIBIT P3 : TRUE COPY OF THE JUDGMENT REPORTED IN 2005(20 KLJ 602.
- EXHIBIT P4 : TRUE COPY OF THE REPRESENTATION DT.2-3-15 SUBMITTED BY THE PETITIONERS BEFORE THE FIRST RESPONDENT.
- EXHIBIT P5 : TRUE COPY OF THE JUDGMENT DT.7-4-15 IN WPC 11133/2015.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 20th day of May, 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 Vs. 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

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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**

ncd