

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 26605 of 2004 (P)

PETITIONERS:

1. **K.BHASKARAN, AGED 82 YEARS,
S/O.LATE KEASAVAN, R/A. SWAMIVELIYIL HOUSE
CHARAMANGALAM, MAYITHARA, MARKET P.O.
CHERTHALA, ALAPPUZHA DISTRICT.
(RETIRED DRIVER K.S.R.T.C., CHERTHALA) * (DECEASED)**
- ** PETITIONERS 2 TO 4 ARE IMPEADED AS SUPPLEMENTAL
PETITIONERS OF DECEASED PETITIONER**
2. **SATHYA BHAMA
AGED 79 YEARS, WIFE OF LATE K.BHASKARAN
RESIDING AT SWAMIVELIYIL HOUSE (NAMBIDIPARAMBIL)
CHARAMANGALAM, VARANAM PO., CHERTHALA - 688 555).**
3. **GEETHA. B.
AGED 45 YEARS, DAUGHTER OF LATE K.BHASKARAN
RESIDING AT CHELLATTU HOUSE, VADACKAL PO.
ALAPPUZHA - 688003.**
4. **ANIL KUMAR. B
AGED 43 YEARS, SON OF LATE K.BHASKARAN
RESIDING AT SWAMIVELIYIL HOUSE (NAMBIDIPARAMBIL)
CHARAMANGALAM, VARANAM PO., CHERTHALA-688555.**
- ** ADDL PETITIONERS 2 TO 4 ARE IMPEADED AS SUPPLEMENTAL
PETITIONERS OF DECEASED PETITIONER AS PER ORDER DATED
13.01.2012 IN IA.445/2012**

**BY ADVS.SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS**

RESPONDENTS:

1. **THE KERALA STATE ROAD TRANSPORT CORPORATION
REP. BY ITS MANAGING DIRECTOR
TRANSPORT BHAVAN, FORT P.O.,
THIRUVANANTHAPURAM.**

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***** ADDL. R2 IMPEADED**

- 2. THE ASSISTANT ZILA SAINIK WELFARE OFFICER
ZILA SAINIK WELFARE OFFICER-IN-CHARGE
ALAPPUZHA - 688002.**

***** ADDL.R2 IS IMPEADED AS SUPPLEMENTAL RESPONDENT AS PER
ORDER DATED 15.02.2012 IN IA.2245/2012**

**R1 BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC
SRI.K.PRABHAKARAN, SC, K.S.R.T.C.
SRI.V.V.NANDAGOPAL NAMBIAR,SC, KSRTC
SRI.BABU JOSEPH KURUVATHAZHA, SC, KSRTC
SRI.JAMES KOSHY.N., SC, KSRTC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF APPLICATION SUBMITTED BY THE PETITIONER TO RESPONDENT**
- P2 : COPY OF CERTIFICATE OF DISCHARGE ISSUED BY THE O.G. 'DEMOB CENTRE RIASR. (MT)', TO THE PETITIONER**
- P3 : COPY OF LETTER NO. PLB 10-16162/92 ISSUED BY THE RESPONDENT TO THE PETITIONER**
- P4: COPY OF JUDGMENT IN O.S. NO. 173/1995 OF THE SUB COURT, CHERTHALA**
- P5: COPY OF DUPLICATE DISCHARGE CERTIFICATE ISSUED BY MILITARY AUTHORITY TO THE PETITIONER**
- P6: COPY OF JUDGMENT IN W.P.(C). NO. 5155/2004 (L) OF THE HIGH COURT OF KERALA, ERNAKULAM**
- P7: COPY OF JUDGMENT IN A.S. NO. 402/2001(C) OF THE HIGH COURT OF KERALA, ERNAKULAM**
- P8: COPY OF ORDER ISSUED BY THE RESPONDENT TO THE PETITIONER**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 26605 OF 2004

Dated this the 03rd day of July, 2015

JUDGMENT

It has been conceded in the counter affidavit filed by the additional second respondent that the petitioner had served in the Indian Army - RIASC (MT) from 23.11.1941 to 26.12.1946. There is no reason as to why the benefit of Rule 8(b) of Part III of the Kerala Service Rules shall not be extended to the petitioner therefore. The petitioner cannot be said to be guilty of any laches in view of the earlier litigations and also the fact that the above Rule was introduced in the year 1980 much after the petitioner retired from service in the year 1976.

2. I quash Ext. P8 order and direct the first respondent to reckon the military service rendered by the petitioner for pensionary benefits as per Rule 8(b) of Part III of the Kerala Service Rules. Orders to this effect shall be passed within a period of one month from today and consequent disbursement of pensionary benefits shall be followed. The

eligible amount shall be disbursed to the legal heirs since the petitioner died pending the writ petition on 01.03.2008.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS