

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 14438 of 2014 (D)

PETITIONER(S):

1. BENNY THOMAS
DRIVER, 1ST GRADE, K.S.R.T.C
ERATTUPETTA
2. E.P THOMAS
DRIVER, 1ST GRADE, K.S.R.T.C
ERATTUPETTA
3. P.K SHEKARAN,
RTD.VEHICLE SUPERVISOR, K.S.R.T.C, PANCHIYIL HOUSE
MARY LAND P.O, KOTTAYAM
4. K.R RADHAKRISHNAN NAIR
DRIVER, 1ST GRADE, K.S.R.T.C
ERATTUPETTA
5. K.R.GOPALAKRISHNAN NAIR,
DRIVER, 1ST GRADE, K.S.R.T.C ERATTUPETTA
6. V.LATHEEF
DRIVER, 2ND GRADE, K.S.R.TC. PONKUNNAM

BY ADVS.SRI.DINNY THOMAS
SRI.JAISHANKAR V.NAIR

RESPONDENT(S):

1. KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY ITS MANAGING DIRECTOR
THIRUVANANTHAPURAM 695 023
2. THE SECRETARY TO GOVERNMENT,
TRANSPORT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM 695 001

R BY GOVERNMENT PLEADER SRI.T.R.RAJESH.
R BY SRI.BABU JOSEPH KURUVATHAZHA,SC,KSRTC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 14438 of 2014 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 TRUE COPY OF THE JUDGMENT IN WPC NO 37769/2007 DATED 0
09/11/2012

EXHIBIT P2 TRUE COPY OF THE ORDER BEARING NO P1-44/2006/PLKD DATED
04/08/2006

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.14438 of 2014

Dated this the 7th 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 first 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 first respondent is directed to do the needful in the

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: 2 :

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.