

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 14812 of 2015

PETITIONERS:

- 1. C.SIVANANDAN ACHARY,
SANJU BHAVAN, NJARAKKADU, THALAVOOR P O
KOLLAM DIST, (DRIVER, PATHANAPURAM DEPOT
RETIRED ON 31/5/2013)**
- 2. PASOK KUMAR
UTHRITTATHI, NEAR AMMAN COVIL, NEDUMANGAD P O
THIRUVANANTHAPURAM 695541, (CONDUCTOR,
TRIVANDRUM CENTRAL, RETIRED ON 30/6/2013)**
- 3. B VIJAYA RAJ
VIJAYAVILASAM, VELLANADU P O
THIRUVANANTHAPURAM-695543
(CONDUCTOR, VELLANADU DEPOT
RETIRED ON 30/11/2012)**
- 4. P MADHUSOODANAN
THATTILAZHIKATHU THEKKETHIL, PANDITHITTA
AMPALANIRAPPU P O, THALAVOOR, KOLLAM 691514
(CONDUCTOR, PATHANAPRUAM DEPOT, RETIRED ON 31/3/2015)**
- 5. N. G. ARAVINDAN PILLAI
NADANNOORVILA VEEDU, KANJIRAKODE, KUNDARA
KOLLAM 691501, (CONDUCTOR, KOLLAM DEPOT
RETIRED ON 30/11/2013)**
- 6. G ACHANKUNJU PANICKER,
THEKKEKARA PUTHEN VEEDU, CHENGAMANADU P O, KOLLAM DIST
DRIVER, KOTTARAKKARA DEPOT, RETIRED ON 17/12/2009)**
- 7. P GOPI PILLAI
NANDHA VILASOM, KARINGOTTU, ELAMPAL P O
PUNALUR, KOLLAM DIST, PIN 691322
(DRIVER, PUNALUR DEPOT, RETIRED ON 31/1/2007)**
- 8. M BABYKUTTY
ARYAKKOTTU THEKKEKARA VEEDU, THEKKETHERY P O, PATTAZHY
PATHANAPURAM, KOLLAM DIST, (DRIVER
PATHANAPURAM DEPOT RETIRED ON 31/1/2013)**

- 9. RAJAN LAL A**
ASHEERVADAM, LAL BHAVAN, T C 13/13
PETTAH P O, THIRUVANANTHAPURAM-695024, (CONDUCTOR
TRIVANDRUM CENTRAL, RETIRED ON 31/5/2014)
- 10. T S DILEEP KUMAR**
DREAMS, EDAKKODE, NEMOM P O
THIRUVANANTHAPURAM 695020, (CONDUCTOR
TRIVANDRUM CENTRAL, RETIRED ON 31/5/2014)
- 11. PUSHPANGADAN A**
SIVAKUMAR MANDIRAM, ASHRAMAM P O
KOLLAM-691002(CONDUCTOR, KOLLAM DEPOT
RETIRED ON 31/5/2012)

BY ADV. SRI.N.SASIDHARAN UNNITHAN

RESPONDENT:

KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY THE MANAGING DIRECTOR, KSRTC
TRANSPORT BHAVAN, THIRUVANANTHAPURAM -695023

BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

DCS

WP(C).No. 14812 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- COPY OF MEMORANDUM NO PL 12/025739/2008 DTD 7/4/2012 ISSUED FROM THE KSRTC**
- P2:- COPY OF THE RELEVANT PAGES OF THE MEMORANDUM OF SETTLEMENT DTD 13/4/1999**
- P3:- COPY OF THE MEMO/CASH RECEIPT ISSUED BY THE KSRTC SHOWING THE DAILY WAGE APPOINTMENT OF THE PETITIONERS 1 TO 8 AND 11**
- P4:- COPY OF THE RELEVANT PAGE OF THE PENSION BOOK/PENSION PASS OF THE PETITIONER ISSUED BY THE KSRTC**
- P5:- COPY OF JUDGMENT DTD 18/3/2015 IN WPC NO 7914/2015 OF THIS HONOURABLE COURT**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO.14812 OF 2015

Dated this the 21st 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 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 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 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