

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 15818 of 2014 (B)

PETITIONER:

**GOPALAKRISHNAN K.P., AGED 61 YEARS
SON OF R.PACHAN ACHaRY, RESIDING AT KURUVILAZHIKAM
MANGAD P.O., KOLLAM 691 015 (RTD. CONDUCTOR, KSRTC)**

**BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA)**

RESPONDENTS:

- 1. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
DEPARTMENT OF TRANSPORT (A)
THIRUVANANTHAPURAM- 695 001.**
- 2. THE KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD QUARTERS
THIRUVANANTHAPURAM - 695 023.**
- 3. THE DISTRICT TRANSPORT OFFICER,
OFFICE OF THE DISTRICT TRANSPORT OFFICER
KERALA STATE ROAD TRANSPORT CORPORATION
NEYYATTINKARA, THIRUVANANTHAPURAM - 695 121.**
- 4. THE EXECUTIVE DIRECTOR (VIGILANCE),
KERALA STATE ROAD TRANSPORT CORPORATION
THIRUVANANTHAPURAM - 695 023.**

**R1 BY GOVERNMENT PLEADER SRI. T.R. RAJESH
R2 TO R4 BY SRI.BABU JOSEPH KURUVATHAZHA,SC,KSRTC
SRI. M. GOPIKRISHNAN NAMBIAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1:** A TRUE COPY OF THE ADVICE ISSUED BY THE KERALA PUBLIC SERVICE COMMISSION, TRIVANDRUM, FILE NO.RIB(2) 18628/92/CW DATED 13/01/1993.
- EXT.P2:** A TRUE COPY OF THE MEMORANDUM NO.PLA4-15909/89 DATED 22/2/1993 ISSUED BY THE SECOND RESPONDENT.
- EXT.P3:** A TRUE COPY OF THE MEMORANDUM NO.SA2-2614/95/KLM DATED 10/03/1993 ISSUED BY THE DISTRICT TRANSPORT OFFICER, KOLLAM.
- EXT.P4:** A TRUE COPY OF THE ADVICE FILE NO.RIB(2) 18628/92/CW DATED 03/04/1996 ISSUED BY THE SECOND RESPONDENT.
- EXT.P5:** A TRUE COPY OF THE APPOINTMENT ORDER NO.PLA4/000987/96 DATED 19/04/1996 ISSUED BY THE SECOND RESPONDENT.
- EXT.P6:** A TRUE COPY OF THE MEMO NO.PL2.2827/97/NTA DATED 24/4/1996 ISSUED BY THE THIRD RESPONDENT.
- EXT.P6(A):** A TRUE COPY OF THE MEMO NO.PL2.3283/97/NTA DATED 13/10/1997 ISSUED BY THE THIRD RESPONDENT.
- EXT.P7:** A TRUE COPY OF THE MEMORANDUM IN CO CASE NO.VLAI-006058/2001 DATED 23/7/2001 ISSUED BY THE THIRD RESPONDENT.
- EXT.P8:** A TRUE COPY OF THE CHARGE SHEET PROCEEDINGS NO.VLAI-003842/2006 DATED 16/3/2006.
- EXT.P9:** A TRUE COPY OF THE REPRESENTATION DATED NIL SUBMITTED BY THE PETITIONER TO EXT.P8 CHARGE SHEET.
- EXT.P10:** A TRUE COPY OF THE MEMORANDUM NO.EO-057/2006/TVM DATED 27/01/2007 ISSUED BY THE ENQUIRY OFFICER, THIRUVANANTHAPURAM SECTOR.
- EXT.P11:** A TRUE COPY OF THE MEMORANDUM NO.EO-057/2006/TVM DATED 19/03/2007 ISSUED BY THE ENQUIRY OFFICER, THIRUVANANTHAPURAM SECTOR.
- EXT.P12:** A TRUE COPY OF THE MEMORANDUM NO.PL2/4197/06/NTA DATED 30/9/2006 ISSUED BY THE THIRD RESPONDENT.
- EXT.P13:** A TRUE COPY OF THE LETTER NO. VLAI-6058/2001 DATED 21/4/2010 ISSUED BY THE ADMINISTRATIVE OFFICER (VIGILANCE) IN THE OFFICE OF THE FOURTH RESPONDENT TO THE THIRD RESPONDENT.

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- EXT.P14: A TRUE COPY OF THE LETTER NO.E2/1773/2010/NTA DATED 23/06/2010 ISSUED BY THE THIRD RESPONDENT TO THE FOURTH RESPONDENT.**
- EXT.P15: A TRUE COPY OF THE ORDER NO.VLA-1/1/6058/01 DATED 14/9/2010 ISSUED BY THE FOURTH RESPONDENT.**
- EXT.P16: A TRUE COPY OF THE LETTER NO.E2/4853/11/NTA DATED 29/12/2011 ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER.**
- EXT.P17: A TRUE COPY OF THE LETTER NO.217/A3/2012/TRANSPORT DATED 29/02/2012 ISSUED BY THE FIRST RESPONDENT.**
- EXT.P18: A TRUE COPY OF THE JUDGMENT DATED 26/7/2012 IN WPC NO.125645/2012 PASSED BY THIS HON'BLE COURT.**
- EXT.P19: A TRUE COPY OF THE ORDER NO.PA 20/008429/2011 DATED 4/02/2013 ISSUED BY THE SECOND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 15818 OF 2014

Dated this the 17th day of March, 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 petitioner also to whom the benefits of the Larger Bench decision of this Court shall be extended.

2. The respondents submit 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 petitioner would also be subject to the modification if any by the Supreme Court in the Special Leave Petition ofcourse to be filed. The respondents are directed to do the needful in the case of the petitioner 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