

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(C).No. 18503 of 2015 (K)

PETITIONER(S):

S. SHAJI, S/O.T.A.SHAMSUDHEEN, AGED 51 YEARS
WORKING AS MECHANIC GRADE 1, KSRTC, ADOOR
RESIDING AT CHARUVILA PUTHENVEEDU, ENATH P.O
PATHANAMTHITTA DISTRICT. 691 526.

BY ADVS.SRI.N.UNNIKRISHNAN
SRI.PAULACHAN IYPE
SMT.JENCY MICHEAL
SRI.C.O.JOSE

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT
TRANSPORT (A) DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM 695 001
2. KERALA ROAD TRANSPORT CORPORATION
REPRESENTED BY THE MANAGING DIRECTOR
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM 695 023.
3. THE MANAGER
ACCOUNTS IN CHARGE FOR EXECUTIVE DIRECTOR
(ADMINISTRATION), KSRTC, TRANSPORT BHAVAN, FORT
THIRUVANANTHAPURAM 695 023.
4. THE ASSISTANT TRANSPORT OFFICER
KSRTC, ADOOR 691 523.

R BY GOVERNMENT PLEADER SRI.GIKKU JACOB.
R BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. COPY OF THE CERTIFICATE DATED 31.7.02 ISSUED BY 4TH
RESPONDENT.

EXHIBIT P2. COPY OF THE ATTENDANCE DETAILS IN RESPECT OF S.SHAJI,
EMPANELLED MECHANIC, ADOOR DATED 20.1.15 FOR THE PERIOD
FROM 2002 TO 2005 ISSUED BY 4TH RESPONDENT.

EXHIBIT P3. COPY OF THE ADVICE MEMO NO.RIB(2)36349/03/GW/48 DATED
10.5.05 ISSUED BY THE K.P.S.C.

EXHIBIT P4. COPY OF THE APPOINTMENT ORDER NO.PLC 10(PL4)/042072/03 DATED
1.6.05.

EXHIBIT P5. COPY OF THE MEMO NO.E2-372/02/ADR DATED 9.6.05.

EXHIBIT P6. COPY OF THE CLAUSE XVIII (7) OF MEMORANDUM OF SETTLEMENT
2008.

EXHIBIT P7. COPY OF THE MEMORANDUM OF PL4/036228/11 DATED 6.1.12.

EXHIBIT P8. COPY OF THE CLAUSE XXXVIII OF THE MEMORANDUM OF SETTLEMENT,
2008.

EXHIBIT P9. COPY OF THE REPRESENTATION DATED 23.12.03.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.18503 of 2015

Dated this the 22nd day of June, 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 service put in by the petitioner prior to his 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 second respondent is 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.

Sd/-
V.CHITAMBARESH,
Judge.

nj.