

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 19356 of 2015 (T)

PETITIONERS:

1. M.P. PRAKASHAN, AGED 56 YEARS,
S/O. PANKAJAKSHAN PILLAI,
SPECIAL GRADE CONDUCTOR (RETD.),
KSRTC ANGAMALY AND RESIDING AT
MOOLAMKOMBIL HOUSE, NAYATHODE P.O.,
VIA. ANGAMALY, ERNAKULAM DISTRICT.
2. K.J. YOHANNAN AGED 58 YEARS,
S/O. K.U. OUSEPH, SELECTION GRADE CONDUCTOR (RETD.)
KSRTC, KOTHAMANGALAM AND RESIDING AT KALAKUDIYIL
KOZHIPPILLY P.O., KOTHAMANGALAM, ERNAKULAM DISTRICT-686 691.
3. K.P. VENU AGED 57 YEARS, S/O. K.N. PADMANABHAN PILLAI,
SELECTION GRADE CONDUCTOR (RETD.), KSRTC
KOTHAMANGALAM, ERNAKULAM DISTRICT-686 691.
4. K. PONNUKUTTAN, AGED 57 YEARS, S/O. KITTA,
CONDUCTOR GRADE II (RETIRED), KSRTC
CHITTOOR AND RESIDING AT KOOTHUMADAM HOUSE,
PADINJARETHARA, VALLANGHY,
NEMMARA P.O. PALAKKAD-678 508.
5. DHANANJAYAN N., AGED 57 YEARS, S/O. SHANKARAN,
MECHANIC GRADE II (RETD.), KSRTC
PAYYANNOOR AND RESIDING AT NEYYAN HOUSE,
SANKARANELLUR P.O., KOOTHUPARAMBA (VIA),
KANNUR DISTRICT - 670 643.
6. E. LAKSHMANAN, AGED 57 YEARS, S/O. KUNJIRAMAN,
DRIVER GRADE II (RETD.), KSRTC, PAYYANNOOR AND
RESIDING AT KAVIL HOUSE, ELAMBERAM,
PALLIVAYAL P.O., KARIMBAM, KANNUR-670 142.

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

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY
THE SECRETARY TO THE GOVERNMENT
TRANSPORT(A) DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. THE CHAIRMAN & MANAGING DIRECTOR ,
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, FORT,
THIRUVANANTHAPURAM-695 023.
3. THE MANAGER ACCOUNTS IN CHARGE OF
EXECUTIVE DIRECTOR (ADMINISTRATION)
KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM-695 023.
4. THE ASSISTANT TRANSPORT OFFICER ,
KERALA STATE ROAD TRANSPORT CORPORATION
KOTHAMANGALAM-686 691.
5. THE ASSISTANT TRANSPORT OFFICER ,
KERALA STATE ROAD TRANSPORT CORPORATION,
ANGAMALI-683 572.
6. THE DISTRICT TRANSPORT OFFICER
KERALA STATE ROAD TRANSPORT CORPORATION
PALAKKAD-678 001.
7. THE DISTRICT TRANSPORT OFFICER
KERALA STATE ROAD TRANSPORT CORPORATION
PAYYANNOOR-670 307.

BY SENIOR GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN
BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : A TRUE COPY OF APPOINTMENT ORDER NO. PL2-2534/79 DATED 29.12.1979 ISSUED BY ATO, KSRTC, PERUMBAVOOR.
- EXHIBIT P2 : A TRUE COPY OF APPOINTMENT ORDER NO. PLA4/058771/97 DATED 08.03.2001 ISSUED TO FIRST PETITIONER.
- EXHIBIT P3 : A TRUE COPY OF NO. E1-713/02/ANK DATED 02.09.2002.
- EXHIBIT P4 : A TRUE COPY OF NO. E1-475/08/ANK DATED 30.12.2014 ISSUED TO THE FIRST PETITIONER.
- EXHIBIT P5 : A TRUE COPY OF REPRESENTATION DATED 17.04.2015 FILED BY 1ST PETITIONER WITHOUT ANNEXURES.
- EXHIBIT P6 : A TRUE COPY OF APPOINTMENT ORDER NO. PL22534/79/PBVR DATED 31.12.1979 ISSUED TO THE 2ND PETITIONER.
- EXHIBIT P7 : A TRUE COPY OF APPOINTMENT ORDER NO. PLA.4/058771/97 DATED 08.03.2001 ISSUED TO 2ND PETITIONER.
- EXHIBIT P8 : A TRUE COPY OF PPO NO. 46227 ISSUED TO 2ND PETITIONER.
- EXHIBIT P9 : A TRUE COPY OF REPRESENTATION DATED 24.04.2015 FILED BY 2ND PETITIONER WITHOUT ANNEXURES.
- EXHIBIT P10 : A TRUE COPY OF MEMORANDUM NO. 2534/79/PBVR DATED 19.11.1979 ISSUED TO 3RD PETITIONER.
- EXHIBIT P11 : A TRUE COPY OF PPO NO. 48399 ISSUED TO 3RD PETITIONER.
- EXHIBIT P12 : A TRUE COPY OF REPRESENTATION DATED 24.04.2015 FILED BY THE 3RD PETITIONER WITHOUT ANNEXURES.
- EXHIBIT P13 : A TRUE COPY OF CASH RECEIPT NO. CH 66154 DATED 20.10.1993 ISSUED TO 4TH PETITIONER.
- EXHIBIT P14 : A TRUE COPY OF MEMORANDUM NO. PL12/025739/2008 DATED 07.04.2012.
- EXHIBIT P15 : A TRUE COPY OF PPO NO. EX 1111 ISSUED TO 4TH PETITIONER.
- EXHIBIT P16 : A TRUE COPY OF REPRESENTATION DATED 17.06.2015 FILED BY THE 4TH PETITIONER WITHOUT ANNEXURES.
- EXHIBIT P17 : A TRUE COPY OF MEMORANDUM NO. PL12/025739/2008 DATED 07.04.2012 ISSUED TO 5TH PETITIONER.

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- EXHIBIT P18 : A TRUE COPY OF REPRESENTATION DATED 17.06.2015 FILED BY THE 5TH PETITIONER WITHOUT ANNEXURES.
- EXHIBIT P19 : A TRUE COPY OF CASH RECEIPT NO. CR. 22451 ISSUED TO 6TH PETITIONER.
- EXHIBIT P20 : A TRUE COPY OF MEMORANDUM NO. PL12/025739/2008 DATED 08.02.2013 ISSUED TO 6TH PETITIONER.
- EXHIBIT P21 : A TRUE COPY OF REPRESENTATION DATED 17.06.2015 FILED BY THE 6TH PETITIONER WITHOUT ANNEXURES.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 29th day of June, 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 Vs. Kerala State Road Transport Corporation and Others**. Therefore the provisional services put in by the petitioners 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 petitioners 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 petitioners would also be subject to the modification if any by the Supreme Court in the

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Special Leave Petition ofcourse to be filed. The respondents are 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**

ncd