

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

WP(C).No. 20207 of 2015 (A)

PETITIONER:

HUSSAIN C.P., AGED 58 YEARS,
S/O. AHAMMED, CHALIL POYIL HOUSE,
NARIKUNTU P.O., PIN 673 585
KOZHIKODE DISTRICT (CONDUCTOR
RETIRED ON 30.11.2013 FROM
KOZHIKODE DEPOT)

BY ADV. SRI.K.P.JUSTINE (KARIPAT)

RESPONDENTS:

1. THE MANAGING DIRECTOR, KSRTC,
TRANSPORT BHAVAN, EAST FORT,
THIRUVANANTHAPURAM - 695 023.
2. THE EXECUTIVE DIRECTOR (ADMINISTRATION)
KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN, EAST FORT,
THIRUVANANTHAPURAM - 695 023.
3. THE DISTRICT TRANSPORT OFFICER,
KSRTC, KOZHIKODE - 673 001.

BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE PENSION PASS ISSUED TO THE PETITIONER.
- EXHIBIT P2 : TRUE COPY OF THE DUTY DETAILS ISSUED BY THE 3RD RESPONDENT
- EXHIBIT P3 : TRUE COPY OF THE PAGE NOS. 1 & 23 OF THE SERVICE BOOK OF THE PETITIONER.
- EXHIBIT P4 : TRUE COPY OF THE PAGE NO. 1, 2 & 3 OF THE PENSION BOOK OF THE PETITIONER.
- EXHIBIT 5 : TRUE COPY OF THE JUDGMENT DATED 20.02.2015 IN FRANCIS K.L. VS. KSRTC.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 6th day of July, 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 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

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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**

ncd