

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 21981 of 2015 (W)

PETITIONERS:

1. M. MOHAMMED MUSTHAFA, AGED 56 YEARS,
S/O/ MUTHU RAWTHER, DRIVER GRADE II (RETD.),
KSRTC, PALAKKAD AND RESIDING AT MADEENA MANZIL,
35/209, PALAYAM, THIRUNALAI P.O., PALAKKAD - 678 004.
2. GOPALAKRISHNAN D., AGED 56 YEARS,
S/O. K. DAMODARAN, DRIVER GRADE II (RETD.),
KSRTC, VADAKKANCHERRY AND RESIDING AT
PUZHAKKAL VEEDU, MOZHIPULAM,
TIRUNALAI P.O., PALAKKAD - 678 004.

BY ADVS. SRI. N. UNNIKRISHNAN
SRI. PAULACHAN IYPE

RESPONDENTS:

1. THE STATE OF KERALA REPRESENTED BY
THE PRINCIPAL SECRETARY TO THE GOVERNMENT
TRANSPORT (A) DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM 695 023
REPRESENTED BY THE CHAIRMAN & MANAGING DIRECTOR
3. THE DISTRICT TRANSPORT OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION,
PALAKKAD - 678 001.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : A TRUE COPY OF ORDER NO. P2.1586/96/PLKD DATED 23.12.1996
ISSUED TO 1ST PETITIONER.
- EXHIBIT P2 : A TRUE COPY OF CASH RECEIPT EK NO. 048688 DATED 01.03.1997
ISSUED TO 1ST PETITIONER.
- EXHIBIT P3 : A TRUE COPY OF MEMORANDUM NO. PL.12/025739/2008 DATED
07.04.2012 ISSUED TO 1ST PETITIONER.
- EXHIBIT P4 : A TRUE COPY OF MEMO NO. P2/11/14/PLKD DATED 30.09.2014
ISSUED TO 1ST PETITIONER.
- EXHIBIT P5 : A TRUE COPY OF REPRESENTATION DATED 11.07.2015 FILED BY
THE 1ST PETITIONER.
- EXHIBIT P6 : A TRUE COPY OF ORDER NO. P1.2032/92/PLKD DATED
18.02.1993 ISSUED TO 2ND PETITIONER.
- EXHIBIT P7 : A TRUE COPY OF CASH RECEIPT CG NO. 72585 DATED 18.02.1993
ISSUED TO 2ND PETITIONER.
- EXHIBIT P8 : A TRUE COPY OF CASH RECEIPT NO. CM.76312 DATED 01.11.1997
ISSUED TO 2ND PETITIONER.
- EXHIBIT P9 : A TRUE COPY OF MEMORANDUM NO. PL.12/025739/2008 DATED
07.04.2012 ISSUED TO 2ND PETITIONER.
- EXHIBIT P10 : A TRUE COPY OF MEMO NO. P4/185/15/PLKD DATED 30.03.2015
ISSUED TO 2ND PETITIONER.
- EXHIBIT P11 : A TRUE COPY OF REPRESENTATION DATED 11.07.2015 FILED BY
THE 2ND PETITIONER.
- EXHIBIT P12 : A TRUE COPY OF JUDGMENT DATED 29.06.2015 IN WP(C) NO.
19356/2015 (T)

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 22nd 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 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 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 Special Leave Petition ofcourse to be filed. The respondents are

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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