

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WP(C).No. 23289 of 2015 (I)

PETITIONERS:

1. S.SADASIVAN, AGED 58 YEARS, S/O. SREEDHARAN, CONDUCTOR GRADE II (RETD.), KSRTC, SULTHANBATHERY AND RESIDING AT SREE NILAYAM, THALAYOLAPARAMBU P.O., VAIKOM, KOTTAYAM DISTRICT - 686 605.
2. P.A. ALEXANDAR, S/O. C. ABRAHAM, AGED 58 YEARS, DRIVER GRADE II (RETD.), KSRTC, PALAKKAD AND RESIDING AT PUTHUPPARAMBIL HOUSE, NOCHUPILLY P.O., PALAKKAD - 678 592.
3. P.R. FRANCIS, S/O. RAPPAL, AGED 56 YEARS, DRIVER (RETD.), KSRTC, THRISSUR DEPOT AND RESIDING AT PALLIPPADAN HOUSE, MULLEKKARA, MANNUTHY P.O., THRISSUR - 680 651.
4. RADHAKRISHNAN A., S/O. K. MADHAVAN NAIR, AGED 56 YEARS, DRIVER GRADE II, KSRTC, THRISSUR DEPOT AND RESIDING AT ATHANATTU HOUSE, VENGANELLOOR P.O., CHELAKKARA, THRISSUR 680 586.
5. M.P. PADMANAHAN, S/O. GOPALAN, AGED 58 YEARS, CONDUCTOR (RETD.), KSRTC, KANNUR AND RESIDING AT NUCHAN TODI HOUSE, VALIYANNOOR P.O., VARAM, KANNUR 57 694.

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

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,

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 03-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : A TRUE COPY OF MEMORANDUM nO. PL2.274192/CHLA DATED 10.11.1992.
- EXHIBIT P2 : A TRUE COPY OF CASH RECEIPT CG NO. 9624 DATED 02.12.1992.
- EXHIBIT P3 : A TRUE COPY OF RECEIPT EN NO. 1743 DATED 31.10.1997.
- EXHIBIT P4 : A TRUE COPY OF CASH RECEIPT ER NO. 08109 DATED 26.02.1999.
- EXHIBIT P5 : A TRUE COPY OF CASH RECEIPT CE NO. 27551 DATED 11.08.1992.
- EXHIBIT P6 : A TRUE COPY OF THE MEMORANDUM NO. PL12/025739/2008 DATED 07.04.2012
- EXHIBIT P7 : A TRUE COPY OF MEMORANDUM NO. E1/987/12/SBY DATED 23.04.2012.
- EXHIBIT P8 : A TRUE COPY OF MEMORANDUM NO. PL12/025739/2008 DATED 07.04.2012.
- EXHIBIT P9 : A TRUE COPY OF MEMORANDUM NO. PL2/025739/2008 DATED 07.04.2012.
- EXHIBIT P10 : A TRUE COPY OF THE MEMORANDUM NO. PL12/025739/2008 DATED 08.02.2013.
- EXHIBIT P11 : A TRUE COPY OF MEMORANDUM NO. PL12/025379/2008 DATED 07.04.2012.
- EXHIBIT P12 : A TRUE COPY OF REPRESENTATION DATED 30.06.2015 SUBMITTED BY THE 1ST PETITIONER.
- EXHIBIT P13 : A TRUE COPY OF REPRESENTATION DATED 18.07.2015 SUBMITTED BY THE 2ND PETITIONER.
- EXHIBIT P14 : A TRUE COPY OF REPRESENTATION DATED 13.07.2015 SUBMITTED BY THE 3RD PETITIONER.
- EXHIBIT P15 : A TRUE COPY OF REPRESENTATION DATED 13.07.2015 SUBMITTED BY THE 4TH PETITIONER.
- EXHIBIT P16 : A TRUE COPY OF REPRESENTATION DATED 07.06.2015 SUBMITTED BY THE 5TH PETITIONER.
- EXHIBIT P17 : A TRUE COPY OF JUDGMENT DATED 14.07.2015 IN WP(C) NO. 21108/2015 (K)

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 3rd day of August, 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 [2015(1) KLT 1051]**. 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

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Special Leave Petition ofcourse to be filed. The respondent is 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