

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).No. 23729 of 2015 (M)

PETITIONER:

E.M..ISSAC, AGED 61 YEARS,
S/O. MATHAI, CONDUCTOR (RETD.),
KSRTC KOTHAMANGALAM AND
RESIDING AT ERUMALA HOUSE,
PANIPRA P.O., NELLIKUZHY,
IRUMALAPPADY, ERNAKULAM PIN 686 692.

BY ADVS. SRI.P.K.VARGHESE
SRI.T.M.SUDHEER

RESPONDENTS:

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1. THE KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM
REP. BY ITS MANAGING DIRECTOR PIN 695 023.
 2. THE ASSISTANT TRANSPORT OFFICER, KSRTC,
KOTHAMANGALAM, ERNAKULAM DISTRICT 686 691.

BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : A TRUE COPY OF THE SERVICE ATTENDENCE CERTIFICATE DURING THE EMPLOYMENT EMPANEL PERIOD FROM 03.09.1979 TO 20.07.1987 ISSUED BY THE DISTRICT TRANSPORT OFFICER KSRTC, ALUVA.
- EXHIBIT P2 : A TRUE COPY OF THE 1ST AND 6TH PAGE OF THE SERVICE BOOK OF THE PETITIONER ISSUED BY THE ATO OF KSRTC KOTHAMANGALAM.
- EXHIBIT P3 : A TRUE COPY OF THE PENSION PAYMENT ORDER OF THE PETITIONER ISSUED BY THE A.T.O. OF KSRTC KOTHAMANGALAM DEPOT.
- EXHIBIT P4 : A TRUE COPY OF THE MEMORANDUM OF SETTLEMENT DATED 13.04.1999.
- EXHIBIT P5 : A TRUE COPY OF THE REPRESENTATION DATED 28.01.2009 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXHIBIT P6 : A TRUE COPY OF THE REPRESENTATION DATED 15.03.2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 6th 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 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