

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 24769 of 2015 (U)

PETITIONER(S):

P.K.SKARIA, AGED 58 YEARS
S/O.KURIAKOSE, DRIVER (RETIRED), KSRTC
MUVATTUPUZHA DEPOT, R/AT PADINJASSERIL HOUSE
KADAMATTOM P.O., KOLENCHERY, ERNAKULAM DISTRICT.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENT(S):

1. THE KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR
TRANSPORT BHAVAN, FORT P.O.
THIRUVANANTHAPURAM-695 023.
2. THE CHAIRMAN AND MANAGING DIRECTOR
KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN, FORT P.O.
THIRUVANANTHAPURAM-695 023.
3. THE DISTRICT TRANSPORT OFFICER
KERALA STATE ROAD TRANSPORT CORPORATION
MUVATTUPUZHA-680 001.

R BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 24769 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE MEMORANDUM NO.PL1-1448/92/MVPA ISSUED BY
THE 3RD RESPONDENT DATED 20.04.1993.

EXHIBIT-P2: TRUE COPY OF THE MEMORANDUM NO.PL12/025739/2008 ISSUED BY
THE 2ND RESPONDENT DATED 07.04.2012.

EXHIBIT-P3: TRUE COPY OF THE PROFORMA OF THE PETITIONER PREPARED BY THE
3RD RESPONDENT PRIOR TO ISSUANCE OF EXHIBIT-P2.

EXHIBIT-P4: TRUE COPY FO THE MEMO NO.PL/009/12/MVPA ISSUED BY THE 3RD
RESPONDENT DATED 19.04.2012.

RESPONDENT(S)' EXHIBITS : NIL.

//True copy//

P.S. to Judge.

V.CHITAMBARESH, J.

W.P (C) No.24769 of 2015

Dated this the 13th day of August, 2015

J U D G M E N T

The issue is covered by the common judgment dated 20.02.2015 by the Larger Bench of this Court in K.L. Francis v. Kerala State Road Transport Corporation and Others [2015 (1) KLT 1051 (LB)] 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 respondent Corporation submits 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 respondent is 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.

Sd/-
V.CHITAMBARESH,
Judge.

nj.