

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

WP(C).No. 25506 of 2015 (K)

PETITIONERS:

1. **PRASANNA KUMAR V., AGED 58 YEARS
S/O. VIVEKANANDAN S, CONDUCTOR GRADE II (RETD.)
KSRTC, KATTAKADA AND RESIDING AT VAZHAPPALLY,
THOTTARIKKATHU VEEDU, KUTTICAL P.O.,
THIRUVANANTHAPURAM DISTRICT.**
2. **P. YESUDASAN, AGED 58 YEARS
S/O. K. PONNAN NADAR, CONDUCTOR GRADE II (RETD.)
KSRTC, VELLANAD (ARYANAD) AND RESIDING AT NIRAPPUVILA
PUTHENVEEDU, PANNIYODE P.O., THIRUVANANTHAPURAM**
3. **S. HARIKUMAR, AGED 58 YEARS
S/O. K. SIVASANKARAN NAIR,
CONDUCTOR GRADE II (RETD.)
KSRTC, KATTAKKADA AND RESIDING AT KRISHNAVILASAM
ANTHIYOORKONAM, KOLLODU P.O.,
MALAYINKEZHU, THIRUVANANTHAPURAM DISTRICT**
4. **B. RADHAKRISHNAN NAMBIAR, AGED 59 YEARS
S/O. BHASKARAN NAMBIAR, CONDUCTOR GRADE II (RETD.)
KSRTC, KOTTARAKKARA AND RESIDING AT PUTHUSSERI
MADOM, EDAKKIDOM P.O., KOTTARAKKARA TALUK, KOLLAM
DISTRICT 691505**
5. **N. CHANDRASEKHARAN NAIR, AGED 59 YEARS
S/O. NEELAKANTAN PILLA, CONDUCTOR GRADE II (RETD.)
KSRTC, CITY DEPOT THIRUVANANTHAPURAM AND RESIDING AT
CHANDRODAYAM, IRINCHAYAM P.O., NEDUMANGAD
THIRUVANANTHAPURAM - 695 561**
6. **A SASIKUMAR, AGED 57 YEARS
S/O. APPU NADAR, CONDUCTOR GRADE II (RETD.)
KSRTC, PAPPANAMCODE, THIRUVANANTHAPURAM DISTRICT
RESIDING AT MORIAHMOUNT, EDACODU, NEMAM P.O.,
THIRUVANANTHAPURAM - 695 020**

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- 7. G. SATHEESAN, AGED 58 YEARS,
S/O. K. GANGADHARAN,
CONDUCTOR GRADE II (RETD.)
KSRTC, PERURKADA, THIRUVANANTHAPURAM
RESIDING AT SREE SANGAMAM, EDAYILAKONAM
MANNANTHALA, THIRUVANANTHAPURAM**
- 8. P. VENUGOPALAN NAIR, AGED 59 YEARS
S/O. PADMANABHAN NAIR P.
CONDUCTOR GRADE II (RETD.)
KSRTC, PAPPANAMCODE, THIRUVANANTHAPURAM CENTRAL
RESIDING AT SREEKUMAR SADANAM, VAILOORKONAM
PALLICHAL P.O.,
THIRUVANANTHAPURAM 695 020**

BY ADV. SRI.N.UNNIKRISHNAN

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,
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM - 695 023**
- R1 BY GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN
R2 BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT. P1: COPY OF PROFORMA DATED 07.02.2012 ISSUED TO THE FIRST PETITIONER
- EXT. P2: COPY OF MEMORANDUM NO. PL12/025739/2008 DATED 07.04.2012 ISSUED TO FIRST PETITIONER
- EXT. P3: COPY OF SCHEDULE ISSUED BY THE UNIT OFFICE TO 2ND PETITIONER
- EXT. P4: COPY OF MEMORANDUM NO. PL12/025739/2008 DATED 07.04.2012 ISSUED TO SECOND PETITIONER
- EXT. P5: COPY OF CERTIFICATE NO. PL1-5048/97/KTDA DATED 05.01.1998 ISSUED TO THIRD PETITIONER
- EXT. P6: COPY OF MEMORANDUM NO. PL12/025739/2008 DATED 07.04.2012 ISSUED TO THIRD PETITIONER
- EXT. P7: COPY OF LETTER NO. GL3/PIO NO. 1655/15/KTR DATED 7.4.2015 ISSUED TO 4TH PETITIONER
- EXT. P8: COPY OF CASH RECEIPT CG NO. 15035 DATED 29.06.1993 ISSUED TO THE FIFTH PETITIONER
- EXT. P9: COPY OF MEMORANDUM NO. PL12/025739/2008 DATED 07.04.2012 ISSUED TO FIFTH PETITIONER
- EXT. P10: COPY OF CASH RECEIPT CH NO. 28818 DATED 23.10.1993 ISSUED TO THE SIXTH PETITIONER
- EXT. P11: COPY OF MEMORANDUM NO. PL12/025739/2008 DATED 07.04.2012 ISSUED TO SIXTH PETITIONER
- EXT. P12: COPY OF PROFORMA DATED 06.02.2012 ISSUED TO THE 7TH PETITIONER
- EXT. P13: COPY OF MEMO NO. E2/1373/12/PKDA DATED 20.04.2012 ISSUED TO THE 7TH PETITIONER
- EXT. P14: COPY OF CASH RECEIPT CF NO. 72032 DATED 25.08.1992 ISSUED TO 8TH PETITIONER
- EXT. P15: COPY OF MEMORANDUM NO. PL12/025739/2008 DATED 07.04.2012 ISSUED TO EIGHTH PETITIONER
- EXT. P16: COPY OF REPRESENTATION DATED 26.07.2015 SUBMITTED BY THE 1ST PETITIONER WITHOUT ANNEXURES.

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- EXT. P17: COPY OF REPRESENTATION DATED 26.07.2015 SUBMITTED BY THE 2ND PETITIONER WITHOUT ANNEXURES.**
- EXT. P18: COPY OF REPRESENTATION DATED 26.07.2015 SUBMITTED BY THE 3RD PETITIONER WITHOUT ANNEXURES.**
- EXT. P19: COPY OF REPRESENTATION DATED 02.05.2015 SUBMITTED BY THE 4TH PETITIONER WITHOUT ANNEXURES.**
- EXT. P20: COPY OF REPRESENTATION DATED 02.05.2015 SUBMITTED BY THE 5TH PETITIONER WITHOUT ANNEXURES.**
- EXT. P21: COPY OF REPRESENTATION DATED 08.08.2015 SUBMITTED BY THE 6TH PETITIONER WITHOUT ANNEXURES.**
- EXT. P22: COPY OF REPRESENTATION DATED 08.08.2015 SUBMITTED BY THE 7TH PETITIONER WITHOUT ANNEXURES.**
- EXT. P23: COPY OF REPRESENTATION DATED 31.05.2012 SUBMITTED BY THE 8TH PETITIONER WITHOUT ANNEXURES.**
- EXT. P24: COPY OF JUDGMENT DATED 14.07.2015 IN W.P.(C). NO. 21108/2015 (K)**

RESPONDENT'S EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V.CHITAMBARESH, J.

W.P (C) No.25506 of 2015

Dated this the 20th 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 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 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 filed. The respondents are 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.**

DCS.