

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. 25581 of 2015 (W)

PETITIONERS:

- 1. B.SURESH KUMAR.
PALOTTU VEEDU, VADACODE, NEYYATTINKARA P.O.
THIRUVANANTHAPURAM, (CONDUCTOR, PAPPANAMCODE
DEPOT, RETIRED ON 30.06.2015)**
- 2. B. RAJENDRAN NAIR
VISHNU VILASOM, PANDIANPARA, PALODE
PACHA P.O., THIRUVANANTHAPURAM - 695 541
(DRIVER, PALODE UNIT, RETIRED ON 31.3.2011)**

BY ADV. SRI.N.SASIDHARAN UNNITHAN

RESPONDENT:

**KERALA STATE ROAD TRANSPORT CORPORATION
REP. BY THE MANAGING DIRECTOR
KSRTC, TRANSPORT BHAVAN,
THIRUVANANTHAPURAM - 695 023**

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 APPOINTMENT ORDER NO. PL12/025739/2008 DATED 7.4.2012 ISSUED TO THE 1ST PETITIONER**
- EXT. P2: COPY OF THE RELEVANT PAGES OF THE MEMORANDUM OF SETTLEMENT DATED 13.4.1999**
- EXT. P3: COPY OF CERTIFICATE ISSUED TO THE 1ST PETITIONER SHOWING THE DATED OF INITIAL DAILY WAGE APPOINTMENT**
- EXT. P4: COPY OF THE ATTENDANCE DETAILS ISSUED TO THE 2ND PETITIONER UNDER RIGHT TO INFORMATION ACT**
- EXT.P5: COPY OF RELEVANT PAGE OF THE PENSION BOOK OF THE 2ND PETITIONER**
- EXT. P6: COPY OF PENSION PASS OF THE 1ST PETITIONER ISSUED BY THE KSRTC**
- EXT. P7: COPY OF PENSION PASS OF THE 2ND PETITIONER ISSUED BY THE KSRTC**
- EXT. P8: COPY OF JUDGMENT DATED 18.3.2015 IN W.P.(C) NO. 7914/2015 OF THIS HONOURABLE COURT**

RESPONDENT'S EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V.CHITAMBARESH, J.

W.P (C) No.25581 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 respondent submits 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 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.**

DCS.