

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

WP(C).No. 26786 of 2015 (W)

PETITIONER(S):

1. G.SADANANDAN, AGED 56 YEARS
S/O.G.GANGADHARAN, DRIVER GRADE II
(RETD) K.S.R.T.C., NEYYATINKARA AND RESIDING AT
POTTAYEL VILAKATHU VEEDU, THOZHUKKAL,
NEYYATINKARA P.O., THIRUVANANTHAPURAM - 695 121.
2. RAMESAN.S., S/O.K.SHANMUKHAN, AGED 57 YEARS
DRIVER GRADE II, (RETD) K.S.R.T.C.
NEYYATINKARA AND RESIDING AT VALIYARATHALA HOUSE
ATHIYANNOOR, ARALUMMOODU P.O., NEYYATINKARA
THIRUVANANTHAPURAM - 695 123.
3. SATHYADAS.N., S/O.P.NESAN, AGED 57 YEARS,
DRIVER GRADE II, (RETD.) K.S.R.T.C. NEYYAINKARA
AND RESIDING AT KANCHIVILA PUTHUVAL PUTHEN VEEDU,
IRUMPIL, NEYYATINKARA P.O., THIRUVANANTHAPURAM - 695 121.
4. C.DASON, S/O.P.CHELLAN NADAR, AGED 59 YEARS,
CONDUCTOR GRADE II (RETD.) K.S.R.T.C., NEYYATINKARA
AND RESIDING AT KALLUYVILA VEEDU, NALLOORVATTAM,
PLAMOOTTUKADA P.O., THIRUVANANTHAPURAM - 695 526.
5. N.HAREENDRAN, S/O.K.NARAYANA PANICKER, AGED 58 YEARS,
CONDUCTOR GRADE II (RETD), K.S.R.T.C., POOVAR AND
RESIDING AT MANIYANKAL HOUSE, ARUMANNOOR, POOVAR P.O.,
THIRUVANANTHAPURAM - 695 526.
6. RAJENDRAN.K., S/O.K.KUTTAN PANICKER, AGED 58 YEARS,
DRIVER GRADE II (RETD.), K.S.R.T.C., NEYYATINKARA AND
RESIDING AT REVATHY BHAVAN, POOVAKUZHY, POOVAR P.O.
THIRUVANANTHAPURAM - 695 526.
7. K.SASI, S/O.KOCHUKRISHNAN, AGED 58 YEARS,
DRIVER GRADE II (RETD.), K.S.R.T.C.
ATTINGAL AND RESIDING AT CHOLIPOYKA VEEDU
KEEZHATTINGAL P.O., KADAKKAVUR (VIA)
THIRUVANANTHAPURAM - 695 306.

8. JAYAN.K.S., S/O.K.SHANKARANARAYAN PILLAI
AGED 59 YEARS, CONDUCTOR GRADE II
K.S.R.T.C., THIRUVANANTHAPURAM CENTRAL AND RESIDING
AT THIRUVONAM, NEAR AMMENKOVIL, SATHRAM JUNCTION,
NEDUMANGAD P.O., THIRUVANANTHAPURAM - 695 541.
9. A.HUSSAIN, S/O.ALIKUNJU VAIDYAN, AGED 58 YEARS,
DRIVER GRADE II, K.S.R.T.C., VENJARANMOODU AND RESIDING
AT S.S.HOUSE, VEMBAYAM, KUTHIRAKULAM P.O.,
THIRUVANANTHAPURAM - 695 615.

BY ADV. SRI.N.UNNIKRISHNAN

RESPONDENT(S):

1. STATE OF KERALA REPRESENTED BY THE SECRETARY
TO THE GOVERNMENT, TRANSPORT (A) DEPARTMENT,
GOVERNMENT SECRETARIATE, THIRUVANANTHAPURAM - 695 001.
2. THE CHAIRMAN & MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION, TRANSPORT
BHAVAN, FORT, THIRUVANANTHAPURAM - 695 023.

R BY GOVERNMENT PLEADER SRI.K.A.SANJEETHA.
R BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) No.26786 OF 2015

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : A TRUE COPY OF MEMORANDUM NO.EL3-169/96/KTDA DATED 16.4.1996 ISSUED TO THE FIRST PETITIONER.
- EXHIBIT P2 : A TRUE COPY OF MEMORANDUM NO.PL12/025739/2008 DATED 7.4.2012 ISSUED TO THE FIRST PETITIONER.
- EXHIBIT P3 : A TRUE COPY OF CASH RECEIPT EN.NO.42049 DATED 11.2.1998 ISSUED TO THE SECOND PETITIONER.
- EXHIBIT P4 : A TRUE COPY OF MEMORANDUM NO.PL12/025739/2008 DATED 7.4.2012 ISSUED TO THE SECOND PETITIONER.
- EXHIBIT P5 : A TRUE COPY OF MEMO NO.PL3.7055/92/NTA DATED 27.1.1993 ISSUED TO THE THIRD PETITIONER.
- EXHIBIT P6 : A TRUE COPY OF MEMORANDUM NO.PL12/025739/2008 DATED 7.4.2012 ISSUED TO THE THIRD PETITIONER.
- EXHIBIT P7 : A TRUE COPY OF PROFORMA DATED 6.2.2012 ISSUED TO FOURTH PETITIONER.
- EXHIBIT P8 : A TRUE COPY OF MEMORANDUM NO.PL12/025739/2008 DATED 7.4.2012 ISSUED TO THE FOURTH PETITIONER.
- EXHIBIT P9 : A TRUE COPY OF CERTIFICATE DATED 15.1.1998 ISSUED TO THE FIFTH PETITIONER.
- EXHIBIT P10 : A TRUE COPY OF MEMORANDUM NO.PL12/025739/2008 DATED 7.4.2012 ISSUED TO THE FIFTH PETITIONER.
- EXHIBIT P11 : A TRUE COPY OF CASH RECEIPT CH NO.20093 DATED 28.8.1993 ISSUED TO 6TH PETITIONER.
- EXHIBIT P12 : A TRUE COPY OF MEMORANDUM NO.PL12/025739/2008 DATED 7.4.2012 ISSUED TO THE SIXTH PETITIONER.
- EXHIBIT P13 : A TRUE COPY OF CASH RECEIPT CH NO.01335 DATED 4.6.1997 ISSUED TO 7TH PETITIONER.
- EXHIBIT P14 : A TRUE COPY OF MEMORANDUM NO.PL12/025739/2008 DATED 8.2.2013 ISSUED TO THE 7TH PETITIONER.
- EXHIBIT P15 : A TRUE COPY OF CASH RECEIPT DATED 2.7.1992 ISSUED TO 8TH PETITIONER.
- EXHIBIT P16 : A TRUE COPY OF MEMORANDUM NO.PL12/025739/2008 DATED 7.4.2012 ISSUED TO THE 8TH PETITIONER.
- EXHIBIT P17 : A TRUE COPY OF CASH RECEIPT EK.NO.024293 DATED 3.5.1997 ISSUED TO THE 9TH PETITIONER.

- EXHIBIT P18 : A TRUE COPY OF MEMORANDUM NO.PL12/025739/2008 DATED 24.4.2012 ISSUED TO THE 9TH PETITIONER.
- EXHIBIT P19 : A TRUE COPY OF REPRESENTATION DATED 15.8.2015 SUBMITTED BY THE FIRST PETITIONER WITHOUT ANNEXURE
- EXHIBIT P20 : A TRUE COPY OF REPRESENTATION DATED 15.8.2015 SUBMITTED BY THE SECOND PETITIONER WITHOUT ANNEXURE
- EXHIBIT P21 : A TRUE COPY OF REPRESENTATION DATED 15.8.2015 SUBMITTED BY THE THIRD PETITIONER WITHOUT ANNEXURE
- EXHIBIT P22 : A TRUE COPY OF REPRESENTATION DATED 15.8.2015 SUBMITTED BY THE FOURTH PETITIONER WITHOUT ANNEXURE
- EXHIBIT P23 : A TRUE COPY OF REPRESENTATION DATED 15.8.2015 SUBMITTED BY THE FIFTH PETITIONER WITHOUT ANNEXURE
- EXHIBIT P24 : A TRUE COPY OF REPRESENTATION DATED 15.8.2015 SUBMITTED BY THE SIXTH PETITIONER WITHOUT ANNEXURE
- EXHIBIT P25 : A TRUE COPY OF REPRESENTATION DATED 15.8.2015 SUBMITTED BY THE SEVENTH PETITIONER WITHOUT ANNEXURE
- EXHIBIT P26 : A TRUE COPY OF REPRESENTATION DATED 15.8.2015 SUBMITTED BY THE EIGHTH PETITIONER WITHOUT ANNEXURE
- EXHIBIT P27 : A TRUE COPY OF REPRESENTATION DATED 15.8.2015 SUBMITTED BY THE NINTH PETITIONER WITHOUT ANNEXURE

RESPONDENT(S) EXHIBITS

NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.26786 of 2015

Dated this the 7th day of September, 2015

J U D G M E N T

The issue is covered by the common judgment dated 20.2.2015 by the Larger Bench of this Court in K.L.Francis v. Kerala State Road Transport Corporation and others. Therefore the provisional services put in by the petitioners prior to their regular appointment are 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 filed against the common judgment of the Larger Bench is pending 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. 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.

Sd/-
V.CHITAMBARESH,
Judge.

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