

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C).No. 27937 of 2015 (N)

PETITIONER:

**D.DEVARAJAN, AGED 56 YEARS
S/O. DAMODARAN, VISHNU NIVAS
KUTTIKKAD LANE, PAPPANAMCODE P.O.,
THIRUVANANTHAPURAM**

**BY ADVS.SRI.D.SAJEEV
SMT.LIGEY ANTONY**

RESPONDENTS:

- 1. THE KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN, FORT
THIRUVANANTHAPURAM, REPRESENTED BY ITS
CHAIRMAN AND MANAGING DIRECTOR - 695 001**
- 2. THE EXECUTIVE DIRECTOR (ADMINISTRATION)
KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM - 695 001**

BY SRL.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF THE MEMORANDUM NO. PLDI-66461/77 DATED 20.11.1978**
- EXHIBIT P2. TRUE COPY OF THE MEMORANDUM NO. PLD1-45249/82 DATED 19.08.1982 OF THE 1ST RESPONDENT**
- EXHIBIT P3. TRUE COPY OF THE CHIEF OFFICE MEMORANDUM NO. PLDI-11629/79 DATED 13.10.1986**
- EXHIBIT P4. TRUE COPY OF THE REPRESENTATION DATED 26.03.2010 SUBMITTED BEFORE THE 1ST RESPONDENT**
- EXHIBIT P5. TRUE COPY OF THE NOTICE NO. PL2-007249/2010 OF THE 1ST RESPONDENT DATED 27.09.2010**
- EXHIBIT P6. TRUE COPY OF THE SUBMISSION MADE BY THE PETITIONER DATED 20.11.2010 BEFORE THE SECOND RESPONDENT**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V.CHITAMBARESH, J.

W.P. (C.) No. 27937 of 2015

Dated this the 16th day of September, 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**. Therefore the provisional services put in by the petitioner prior to his regular appointment are 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 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

petitioner 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 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.**

DCS.