

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

WP(C).No. 37898 of 2015 (J)

PETITIONER:

K. VIJAYAKUMAR, AGED 56 YEARS,
DRIVER GR.II (RETD.), KSRTC, PALODE
AND RESIDING AT NARMADA BHAVAN,
PALODE, PALODE P.O., THIRUVANANTHAPURAM 695 062.

BY ADVS. SRI. N. UNNIKRISHNAN
SRI. PAULACHAN IYPE

RESPONDENTS:

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

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : A TRUE COPY OF CERTIFICATE DATED 20.01.2015 ISSUED BY ASSISTANT TRANSPORT OFFICER, KSRTC, NEDUMANGAD.
- EXHIBIT P2 : A TRUE COPY OF PENSION PAYMENT ORDER NO. EX-1189.
- EXHIBIT P3 : A TRUE COPY OF JUDGMENT DATED 29.06.2015 IN WP(C) NO . 19356/2015 (T) (M.P. PRAKASHAN & OTHERS VS. STATE OF KERALA AND OTHERS.
- EXHIBIT P4 : A TRUE COPY OF REPRESENTATION DATED 28.11.2015 SUBMITTED BEFORE THE SECOND RESPONDENT

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

ncd

V.CHITAMBARESH, J.

W.P (C) No.37898 of 2015

Dated this the 15th day of December, 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 petitioner prior to his regular appointment 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 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.

sks.

