

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 39037 of 2015 (D)

PETITIONER:

**P.VAMADEVAN NAIR
AGED 58 YEARS
S/O. PADMANABHA PILLAI K.
CONDUCTOR GR. II (RETD.)
KSRTC, POOVAR AND RESIDING AT KIZHAKKEMARAMTHOTTAM
KULATHUR, UCHAKKADA P.O.,
THIRUVANANTHAPURAM - 695 506**

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. KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN
FORT, THIRUVANANTHAPURAM - 695 023**

**R1 BY SR. GOVERNMENT PLEADER SMT. SANJEETHA K.A.
R2 BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 39037 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF PROFORMA DATED 13.02.2012 ISSUED BY THE ASSISTANT
TRANSPORT OFFICER, KSRTC, POOVAR**
- P2 : COPY OF MEMORANDUM NO. PL.12/025739/2008 DATED 07.04.2012**
- P3 : COPY OF MEMORANDUM NO. E1/06/12/POOVAR DATED 17.04.2012**
- P4 : COPY OF MEMO NO. PA15/034777/13 DATED 14.07.2014**
- P5 : COPY OF P.P.O.NO. EXG. 1126**
- P6 : COPY OF REPRESENTATION DATED 01.09.2015 FILED BY THE
PETITIONER**
- P5 : COPY OF JUDGMENT DATED 15.12.2015 IN W.P.(C). NO. 37898/2015 (J) (K.
VIJAYAKUMAR V.STATE OF KERALA AND ANOTHER)**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 39037 OF 2015

Dated this the 22nd day of December, 2015

JUDGMENT

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**

DCS