

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 21ST DAY OF JUNE 2022 / 31ST JYAISHTA, 1944

WP(C) NO. 33320 OF 2015

PETITIONER:

P.T.RAMAKRISHNAN, AGED 60 YEARS,
S/O.LATE T.KANNAN, PITHRUCHAYYA, NEAR MUNICIPAL BUS
STAND, PAYYANNUR, KANNUR DISTRICT.

BY ADV SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS :

- 1 THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM,
PIN - 695 001.
- 2 THE REGISTRAR,
CENTRE FOR DEVELOPMENT OF IMAGING TECHNOLOGY (C-DIT) ,
CHITRANJALY HILLS, THIRUVALLAM,
THIRUVANANTHAPURAM, PIN - 695 027.

BY ADVS.SRI.C.S.AJITH PRAKASH, SC,
S.RAMESH, SC R2
SRI.DEEPU THANKAN, SC, R1

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner, while working in the services of the Kerala State Road Transport Corporation (KSRTC), was sent on deputation to the 2nd respondent - Centre for Development of Imaging Technology (C-DIT), through Ext.P2.

2. This deputation was ordered on the specific condition that the C-DIT will take care of all financial commitments.

3. When the returned back to the KSRTC, a doubt arose as to how the period of deputation will have to be reckoned and whether the provisions of Rule 146 of part I of the Kerala Service Rules ('KSR', for short) would become applicable.

4. The petitioner says that, on account of this confusion, the period when he was on deputation with the C-DIT, namely between

01.06.1999 and 31.08.2000, has now been excluded for the purpose of reckoning his pension by the KSRTC; and thus prays that they be directed to rework his pensionary benefits and grant him eligible benefits without any further delay.

5. I have heard Sri.V.N.Ramesan Nambisan - learned counsel for the petitioner; Sri.S.Ramesh - learned Standing Counsel for the C-DIT and Sri.Deepu Thankan - learned Standing Counsel for the KSRTC.

6. The facts involved in this case are not in dispute. The fact that the petitioner was sent on deputation to the C-DIT by the KSRTC, through Ext.P2, is admitted. The fact that the C-DIT paid the salary and allowances to the petitioner during the period of deputation is also without contest.

7. Therefore, one fails to understand what impact can Rule 146 of Part I of the 'KSR' have,

particularly when the petitioner returned to the services of the KSRTC without break, immediately on the closure of the deputation period. Obviously, the KSRTC is bound to reckon the said period for the purpose of pension, because, at that time, the petitioner was entitled to the statutory pension and not contributory. Therefore, whether C-DIT had paid him salary and allowances during the period of deputation would not be relevant to the KSRTC for working out his pensionary benefits, particularly when he was sent on such deputation by them under a valid sanction, namely Ext.P2.

8. Resultantly, I am left without any doubt that the KSRTC could not have treated the period of deputation of the petitioner as being Leave Without Allowance (LWA), as has been done by them through Ext.P4.

In the conspectus of the above, I order this

writ petition and set aside Ext.P4, to the extent to which it treats the period of deputation served by the petitioner, consequent to Ext.P2, in the services of the C-DIT as eligible leave; with a consequential direction to the competent Authority of the KSRTC to recompute his pension, reckoning the entire period covered by Ext.P2 for pensionary benefits and to release his eligible benefits to him without any avoidable delay, but not later than four months from the date of receipt of a copy of this judgment.

Sd/-
DEVAN RAMACHANDRAN
JUDGE

akv

APPENDIX OF WP(C) 33320/2015

PETITIONER EXHIBITS

EXHIBIT P1	TRUE COPY OF ORDER NO.C-DIT/01/PDR/99 DATED 16.08.1999 ISSUED BY THE 2ND RESPONDENT.
EXHIBIT P2	TRUE COPY OF ORDER NO.C-DIT/01/PDR/2000/1362 DATED 19.06.2000 ISSUED BY THE 2ND RESPONDENT.
EXHIBIT P3	TRUE COPY OF PETITIONER'S LETTER DATED 26.06.2000.
EXHIBIT P4	TRUE COPY OF ORDER NO.PLC/015319/01 DATED 06.09.2004 ISSUED BY THE 1ST RESPONDENT.
EXHIBIT P5	TRUE COPY OF RORDER NO.A3/660/ADMN/C-DIT DATED 18.05.2010 ISSUED BY THE 2ND RESPONDENT.
EXHIBIT P6	TRUE COPY OF ORDER NO.660/A1/ADMN/C-DIT DATED 06.02.2013 ISSUED BY THE 2ND RESPONDENT.
EXHIBIT P7	TRUE COPY OF ORDER NO.PL/11573/11 DATED 22.12.2011 ISSUED BY THE 1ST RESPONDENT.
EXHIBIT P8	TRUE COPY OF ORDER NO.510/GL.2/2012/RTC DATED 23.05.2012 ISSUED BY THE 1ST RESPONDENT.
EXHIBIT P9	TRUE COPY OF ORDER NO.PL1/015319/2001 DATED 23.11.2013 ISSUED BY THE 1ST RESPONDENT.
EXHIBIT P10	TRUE COPY OF REPRESENTATION DATED 23.03.2014 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
EXHIBIT P11	TRUE COPY OF JUDGMENT DATED 06.02.2014 IN WRIT PETITION NO.4225 OF 2010 PASSED BY THIS HON'BLE COURT.
EXHIBIT P12	TRUE COPY OF ORDER NO.PA 18/019227/2010 DATED 13.03.2014 ISSUED BY 1ST RESPONDENT.