

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 29TH DAY OF FEBRUARY 2012/10TH PHALGUNA 1933

WP(C).No. 30001 of 2010 (A)  
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PETITIONER(S):  
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1. K.V.MADUSUDHANAN PILLAI  
S/O.VELAYUDHAN, THUSHARAM, KANIYAMPUZHA ROAD  
EROOR 682 306  
INSPECTOR RETIRED ON 28.02.2007 FROM ERNAKULAM
2. P.A.SUDHAKARAN  
S/O.PADMANABHAN V.P, KATTILTHARA HOUSE  
CHANDIROOR PO, CHERTHALA  
INSPECTOR RETIRED ON 28.02.2007 FROM ANKAMALY
3. K.K.GOPINATHAN  
S/O.KUNJAN, KALAYKKATTU HOUSE, NADAKKAVU PO  
UDYAMPEROOR 682 307  
INSPECTOR RETIRED ON 31./05.2006 FROM ERNAKULAM
4. P.RAJEEV  
S/O.V.K.PRABHAKARAN, VALVANEZHATHU HOUSE  
KODAMTHURUTH, KUTHIATHODE PO, CHERTHALA  
ATO, RETIRED ON 30.04.2008, FROM NORTH PARAVOOR.
5. VIJAYAKUMAR C, S/O.CHELLAPPAN  
MALIAKKAL HOUSE, OPP. VENNALA MAHILA SAMAJAM  
VENNALA PO, ERNAKULAM, ATO  
RETIRED ON 31.03.2010 FROM GURUVAYOOR.
6. MUKUNDAN C.R.,  
S/O.C.R.RAMAN, CHEMBARATHY HOUSE, KARIMPADAM  
CHANDAMANGALAM PO, PIN 683 512  
INSPECTOR RETIRED ON 30.9.2006 FROM ERNAKULAM.
7. V.RADHAKRISHNAN  
S/O.VELAYUDHAN PILLAI, REVATHY, MARUTHOORVATTOM PO  
CHERTHALA  
INSPECTOR RETIRED ON 31.5.2007 FROM CHERTHALA.
8. P.VELU, S/O.K.GOVINDAN NAIR  
KUNNAMPILLY HOUSE, KONATHUKUNNU PO, PIN 680 123  
INSPECTOR RETIRED ON 31.12.2006 FROM ANKAMALY

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9. P.K.SATHYAN  
S/O.KODIYAN, POURNAMI,PALAMATTOM NORTH  
EDACOCHI 682 010  
INSPECTOR RETIRED ON 31.12.2006 FROM ERNAKULAM.
10. M.SUDHAKARAN  
S/O.M.V.MADHAVAN VAIDHYAR, KOTHAM VEEDU  
AROOKUTTY PO, PIN 688 535, INSPECTOR  
RETIRED ON 31.5.2007 FROM ANKAMALY
11. A.A.BHUVANENDRAN  
S/O.APPU, ANASSERIL, KADACKARAPPILLY PO  
CHERTHALA 688 529, ATO  
RETIRED ON 31.8.2007 FROM CHERTHALA.
12. M.A.ANTONY  
S/O.M.C.ALEXANDER, MULLEPPARAMBIL,EDAKOCHI  
COCHIN 682 010, INSPECTOR  
RETIRED ON 31.1.2007 FROM ERNAKULAM.
13. K.J.MARTIN, S/O. K.A.JOSEPH,  
7/521, KARUKAYIL, MAHATMA  
CHOTTANICKARA PO, ERNAKULAM, STATION MASTER  
RETIRED ON 31.12.2005 FROM, ERNAKULAM
14. P.K.JOSEPH,S/O.JACOB,  
PANDIPARAMBIL HOUSE, PANANGAD PO, PIN 682 506  
INSPECTOR ,RETIRED ON 30.06.2007 FROM ERNAKULAM
15. T.K.ABRAHAM.  
S/O.E.O.KURIAN.EZHUMAYIL HOUSE,PANCODE PO 682 310  
A.T.O RETIRED ON 31.12.2007 FROM MUVATTUPUZHA
16. S. APPUKUTTAN, S/O.SANKARAN  
SREENILAYAM, THALAYOLAPARAMBU PO, KOTTAYAM DISTRICT  
POIN 686 605, INSPECTOR RETIRED ON 31.01 2003  
FROM VAIKOM
17. JOSEPH JOHN  
S/O.OUSEPH,VATTAPPILLIL HOUSE, KODUMBUR KARA  
KOKKAPPILLY PO,PIN 682 305, INSPECTOR  
RETIRED ON 31.8.2006 FROM ERNAKULAM
18. T.P.PRASANNAN, S/O.T.K.PURSHOTHAMAN  
THAKADIYIL HOUSE, MUHAMMA PO, PIN 688 525  
INSPECTOR RETIRED ON 30.04.2006 FROM ALAPPUZHA
19. P.V.PONNAPPAN  
S/O.S.VELU, KAMADIYIL HOUSE, NORTH ARYAD  
ALAPPUZHA  
INSPECTOR RETIRED ON 30.4.2007 FROM ALAPPUZHA

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20. P.J.VARGHESE, S/O.P.V.JOSEPH  
PARATHARAYIL HOUSE,PUNNAMADA, AVALOOKUNNU PO  
PIN 688 006  
INSPECTOR RETIRED ON 31.3.2007 FROM ALAPPUZHA
21. K.VIJAYAN PILLAI  
S/O.KUKNJUKRISHNA KURUP, NIKUNJAM, KALAVOOR PO  
688 522  
INSPECTOR RETIRED ON 30.06.2007 FROM ALAPPUZHA
22. S.RADHA REMANAN,  
S/O.SREENIKETHAN PILLAI, GOPALA BHAVAN, PURACKAD PO  
AMBALAPPUZHA, ALAPPUZHA 690 551, INSPECTOR  
RETIRED ON 30.11.2006 FROM ALAPPUZHA
23. K.V.MATHEW  
S/O.K.M.VARGHESE, KUNNATHU KUZHIYIL  
VADAKKAL PO PIN 688 003  
A.T.O. RETIRED ON 31.3.2008 FROM ANKAMALY
24. A.P.JAYAPRAKASH,S/O.K.PARAMESWARAN  
PILLAI, PRASANTHI, MUHAMMA PO  
PIN 688 525, INSPECTOR  
RETIRED ON 31.10.2006 FROM ALAPPUZHA
25. K.J.ANTONY,S/O.KUNCHERIA JOSEPH  
SOODRAPONVELIL, AVALOOKUNNU PO  
THOTTAMPALLY ALP 688 006  
INSPECTOR RETIRED ON 31.10.2006 FROM ALAPPUZHA
26. R.MADHUSOODHANAN NAIR  
S/O.P.S.RAMANKUNJU PANICKER,MANIMANGALAM  
NEERAKUNNAM, MEDICAL COLLEGE PO, INSPECTOR  
RETIRED ON 28.02.2007 FROM ALLAPPUZHA
27. V.A.MOHAMMED, S/O.ABDUL KHADER  
SAFA HOUSE, VADUTHALA JETTY PO, AROOKUTTY  
ALAPPUZHA 688 535, INSPECTOR  
RETIRED ON 31.05.2007 FROM ERNAKULAM
28. N.BALAKRISHNA PILLAI  
S/O. NARAYANA PILLAI, BALABHAVAN, PANAYIL PO  
NOORANAD 690 504, INSPECTOR  
RETIRED ON 31.05.2007 FROM ALAPPUZHA

BY ADV. SRI.K.P.JUSTINE (KARIPAT)

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RESPONDENT(S):

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1. THE KERALA STATE ROAD TRANSPORT CORPORATION, REPRESENTED BY ITS MANAGING DIRECTOR TRANSPORT BHAVAN, FORT PO, THIRUVANANTHAPURAM -23
2. THE FINANCIAL ADVISOR & CHIEF ACCOUNTS OFFICER, KERALA STATE ROAD TRANSPORT CORPORATION TRANSPORT BHAVAN, FORT PO, THIRUVANANTHAPURAM -23
3. THE ASSISTANT ACCOUNTS OFFICER (PENSION) KERALA STATE ROAD TRANSPORT CORPORATION TRANSPORT BHAVAN, FORT PO, THIRUVANANTHAPURAM -23

R,R1-3 BY SRI.V.V.NANDAGOPAL NAMBIAR,SC, KSRTC  
R,R1 TO 3 BY SRI.BABU JOSEPH KURUVATHAZHA,SC,KSRTC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-02-2012,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX**

**PETITIONER(S) EXHIBITS**

- EXHIBIT P1(1) : TRUE COPY OF INTIMATION SLIP OF PENSION PAYMENT ORDER PPO NO. 38467 DATED 14.02.2009 ISSUED BY THE RESPONDENT CORPORATION TO THE FIRST PETITIONER.
- EXHIBIT P1(2) : TRUE COPY OF PENSION PAYMENT ORDER NO. PPO. 38615 ISSUED BY THE RESPONDENT CORPORATION TO THE SECOND PETITIONER.
- EXHIBIT P1(3) : TRUE COPY OF INTIMATION SLIP OF PPO NO. 37210 ISSUED BY THE RESPONDENT CORPORATION TO THE THIRD PETITIONER.
- EXHIBIT P1(4) : TRUE COPY OF PENSION PAYMENT ORDER NO. PPO 41502 ISSUED BY THE RESPONDENT CORPORATION TO THE 4TH PETITIONER.
- EXHIBIT P1(5) : TRUE COPY OF INTIMATION SLIP OF PPO NO. 43058 ISSUED BY THE RESPONDENT CORPORATION TO THE 5TH PETITIONER.
- EXHIBIT P1(6) : TRUE COPY OF PENSION PAYMENT ORDER NO. PPO 37927 ISSUED BY THE RESPONDENT CORPORATION TO THE 6TH PETITIONER.
- EXHIBIT P1(7) : TRUE COPY OF PENSION PAYMENT ORDER NO. PPO 39366 ISSUED BY THE RESPONDENT CORPORATION TO THE 7TH PETITIONER.
- EXHIBIT P1(8) : TRUE COPY OF PENSION PAYMENT ORDER NO. PPO 38289 ISSUED BY THE RESPONDENT CORPORATION TO THE 8TH PETITIONER.
- EXHIBIT P1(9) : TRUE COPY OF ORDER NO. PA8/040035/06 DATED 09.04.2007 ISSUED BY THE RESPONDENT CORPORATION TO THE 9TH PETITIONER.
- EXHIBIT P1(10): TRUE COPY OF PENSION PAYMENT ORDER NO. PPO 39379 ISSUED BY THE RESPONDENT CORPORATION TO THE 10TH PETITIONER.
- EXHIBIT P1(11): TRUE COPY OF PENSION PAYMENT ORDER NO. PPO 40182 ISSUED BY THE RESPONDENT CORPORATION TO THE 11TH PETITIONER.
- EXHIBIT P1(12): TRUE COPY OF PENSION PAYMENT ORDER ISSUED BY THE RESPONDENT CORPORATION TO THE 12TH PETITIONER.
- EXHIBIT P1(13): TRUE COPY OF ORDER NO. PA.8.00136/06 DATED 02.02.2006 ISSUED BY THE RESPONDENT CORPORATION TO THE 13TH PETITIONER.

- EXHIBIT P1(14): TRUE COPY OF ORDER NO. P.A.8/024898/07 DATED 28.06.2010 ISSUED BY THE RESPONDENT CORPORATION TO THE 14TH PETITIONER.
- EXHIBIT P1(15): TRUE COPY OF ORDER NO. P.A. 22.A.877/08 DATED 21.02.2006 ISSUED BY THE RESPONDENT CORPORATION TO THE 15TH PETITIONER.
- EXHIBIT P1(16): TRUE COPY OF ORDER NO. PLB 9/039876/2002 DATED 24.04.2003 ISSUED BY THE RESPONDENT CORPORATION TO THE 16TH PETITIONER.
- EXHIBIT P1(17): TRUE COPY OF PENSION PAYMENT ORDER NO. PPO 3832 ISSUED BY THE RESPONDENT CORPORATION TO THE 17TH PETITIONER.
- EXHIBIT P1(18): TRUE COPY OF PENSION PAYMENT ORDER NO. PPO 37422 ISSUED BY THE RESPONDENT CORPORATION TO THE 18TH PETITIONER.
- EXHIBIT P1(19): TRUE COPY OF PENSION PAYMENT ORDER NO. PPO 39323 ISSUED BY THE RESPONDENT CORPORATION TO THE 19TH PETITIONER.
- EXHIBIT P1(20): TRUE COPY OF PENSION PAYMENT ORDER NO. PPO 39049 ISSUED BY THE RESPONDENT CORPORATION TO THE 20TH PETITIONER.
- EXHIBIT P1(21): TRUE COPY OF PENSION PAYMENT ORDER NO. PPO 40121 ISSUED BY THE RESPONDENT CORPORATION TO THE 21ST PETITIONER.
- EXHIBIT P1(22): TRUE COPY OF PENSION PAYMENT ORDER NO. PPO 32088 ISSUED BY THE RESPONDENT CORPORATION TO THE 22ND PETITIONER.
- EXHIBIT P1(23): TRUE COPY OF PENSION PAYMENT ORDER NO. PPO 41315 ISSUED BY THE RESPONDENT CORPORATION TO THE 23RD PETITIONER.
- EXHIBIT P1(24): TRUE COPY OF PENSION PAYMENT ORDER NO. PPO 38036 ISSUED BY THE RESPONDENT CORPORATION TO THE 24TH PETITIONER.
- EXHIBIT P1(25): TRUE COPY OF PENSION PAYMENT ORDER NO. PPO 38091 ISSUED BY THE RESPONDENT CORPORATION TO THE 25TH PETITIONER.
- EXHIBIT P1(26): TRUE COPY OF PENSION PAYMENT ORDER NO. PPO 38780 ISSUED BY THE RESPONDENT CORPORATION TO THE 26TH PETITIONER.
- EXHIBIT P1(27): TRUE COPY OF PENSION PAYMENT ORDER NO. PPO 39644 ISSUED BY THE RESPONDENT CORPORATION TO THE 27TH PETITIONER.

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- EXHIBIT P1(28): TRUE COPY OF PENSION PAYMENT ORDER NO. PPO 39325  
ISSUED BY THE RESPONDENT CORPORATION TO THE 28TH  
PETITIONER.
- EXHIBIT P2 : TRUE COPY OF PAGE NOS. 1 TO 9 OF THE AGREEMENT DATED  
13.04.1999 SIGNED BY THE RESPONDENT CORPORATION AND  
EMPLOYEES ASSOCIATION.
- EXHIBIT P3 : TRUE COPY OF ORDER NO. LR-8-012426/2000 DATED 10.08.2000  
ISSUED BY THE RESPONDENT CORPORATION.
- EXHIBIT P4 : TRUE COPY OF ORDER NO. LRB/-012426/2002 DATED 11.09.2009  
ISSUED BY THE RESPONDENT CORPORATION.
- EXHIBIT P5 : TRUE COPY OF OP NO. 27480/02 DATED 23.07.2002 OF THIS  
HONOURABLE COURT.
- EXHIBIT P6 : TRUE COPY OF JUDGMENT DATED 27.05.2004 IN W.A. NO. 652/2004  
OF THE DIVISION BENCH OF THIS HONOURABLE COURT.
- EXHIBIT P7 : TRUE COPY OF AWARD DATED 24.04.2007 IN I.D. NO. 38/2005  
PASSED BY THE HONOURABLE INDUSTRIAL TRIBUNAL, KOLLAM.
- EXHIBIT P8 : TRUE COPY OF PAGE NOS. 1 TO 7 OF THE AGREEMENT DATED  
28.10.2008 SIGNED BY THE MANAGEMENT AND RECOGNIZED  
TRADE UNIONS IN THE KSRTC.
- EXHIBIT P9 : TRUE COPY OF PAGE NOS. 20 AND 21 OF THE 2008 AGREEMENT  
WITH CLAUSE NO. XLVIII.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

**V. CHITAMBARESH, J**

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Dated this the 29<sup>th</sup> day of February, 2012

**JUDGMENT**

This court by Ext.P6 judgment in writ appeal No. 652/2004 referred the parties for adjudication under the Industrial Disputes Act. Ext.P7 is the Award of the Industrial Tribunal between a major association of employees and the Kerala State Road Transport Corporation with regard to the service benefits. Ext.P7 is now superseded by Ext.P8 settlement entered into between the various trade unions and the Kerala State Road Transport Corporation. All the parties to Ext.P7 Award are also parties to Ext.P8 settlement even though the petitioners have retired from service.

2. The petitioners contend that clause 12 of Ext.P8 settlement is prejudicial to their interest and that it runs derogatory to Ext.P7 Award of the Industrial Tribunal. All these are matters to be urged in an industrial dispute and not in proceedings under Article 226 of the Constitution of India. Clause 12 of Ext.P8 settlement relates to quantification of monetary benefits consequent to pay revision. The petitioners



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are free to urge this claim in a reference under Section 10 of the Industrial Disputes Act since the issue falls within the domain of the industrial dispute as defined in Section 2(k) of the Industrial Disputes Act.

The writ petition is dismissed without prejudice to the right of the petitioners to raise an industrial dispute as aforesaid. No costs.

**V. CHITAMBARESH  
JUDGE**

ncd