

WA NO. 820 OF 2023

1

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**&**

**THE HONOURABLE MR. JUSTICE C. JAYACHANDRAN**

**WEDNESDAY, THE 2<sup>ND</sup> DAY OF AUGUST 2023 / 11TH SRAVANA, 1945**

**WA NO. 820 OF 2023**

**AGAINST JUDGMENT WP(C) 33790/2022 OF HIGH COURT OF KERALA**

**APPELLANTS/RESPONDENTS 2 & 3:**

1 THE MANAGING DIRECTOR,  
KERALA STATE ROAD TRANSPORT CORPORATION (KSRTC),  
TRANSPORT BHAVAN, PIN - 695230  
THIRUVANANTHAPURAM REPRESENTED BY DEPUTY LAW OFFICER.,

2 KERALA STATE ROAD TRANSPORT CORPORATION  
(KSRTC), REPRESENTED BY ITS MANAGING DIRECTOR,  
OFFICE OF MANAGING DIRECTOR, TRANSPORT BHAVAN,  
THIRUVANANTHAPURAM PIN - 695230  
REPRESENTED BY DEPUTY LAW OFFICER.,

BY ADVS.  
DEEPU THANKAN  
UMMUL FIDA  
LAKSHMI SREEDHAR  
LEKSHMI P. NAIR  
NAMITHA K.M.

**RESPONDENTS/PETITIONERS & 1ST RESPONDENT:**

1 S.A SUNEESH KUMAR  
AGED 35 YEARS, S/O N AJAYAKUMAR KOLLAMPARAMBIL,  
KANJIRAM, POTTASSERY PO, PALAKKAD, KERALA .,  
PIN - 678598

2 SHABEER ALI T A,  
AGED 41 YEARS, S/O ABOOBACKER MUKKIL HOUSE,  
MUTTIKALKANDAM, KARIMBA - I, KARIMBA, PALAKKAD, KERALA,  
PIN - 678597

3 MUKESH K,  
AGED 34 YEARS, S/O KUNCHEERA PADINJARANKUNNU,  
PADINJARANKUNNU, MANNARKKAD P O, MANNARKAD - I,

MANNARKKAD, PALAKKAD, KERALA -, PIN - 678582

- 4 MANSOOR A P  
AGED 36 YEARS, S/O SULAIMAN AMBATTUPARAMBIL,  
NALLOORPULLI, KARKKIDAMKKUNNU, ALANALLUR 2,  
PALAKKAD, KERALA, PIN - 678601
- 5 SUBRAMANIYAN S  
AGED 55 YEARS, S/O SADASIVAN CHAKKAMTHODI,  
VATTAMANNAPURAM P O, ALANALLUR III, PALAKKAD,  
KERALA, PIN - 678601
- 6 ABDUL RASAK K  
AGED 39 YEARS, S/O ALI K KUNNATH (H), PALODE (PO),  
MANNARKKAD, PALAKKAD (DT) -, PIN - 678583
- 7 SAKKEENA K  
AGED 39 YEARS, D/O MUHAMMED, KOLKKATTIL, THOTTARA,  
KARIMPUZHA-I, PALAKKAD, KERALA, PIN - 679513
- 8 PUSHPARAJ V  
AGED 39 YEARS, S/O SANKARANKUTTY VELLAKKADANMARIL,  
ONGALLUR, KALLADIPPATTA, ONGALLUR, KALLADIPATTA,  
PALAKKAD, KERALA -, PIN - 679313
- 9 SHYAMKRISHNAN K  
AGED 40 YEARS, S/O SANTHAKUMARI KEERTHI NAVAYATH,  
KUMARAMPUTHUR, MANNARKKAD COLLEGE P O, MANNARKAD  
PALAKKAD, KERALA, PIN - 678583
- 10 SATHIA PRAKAS C  
AGED 41 YEARS, S/O RAMANKUTTY C CHEKUTHANKUNNATH,  
KOTTAPURAM, KARIMPUZHA, PALAKKAD, KERALA,, PIN - 679513
- 11 P.G BAIJU MON  
AGED 47 YEARS, S/O GOPINATHAPANIKKAR LAKSHMI NIVAS,  
ARAKKUPARAPPA, MALAPPURAM, MATTARAKKAL, KERALA,  
PIN - 679322
- 12 K GIRISH KADAMBOTTIL  
AGED 44 YEARS, S/O APPUNNIKADAMBOTTIL 143-10,  
KADAMPAZHIPURAM, AZHIYANNUR,  
PALAKKAD, KERALA -, PIN - 678633
- 13 SHAMSEER K A  
AGED 42 YEARS, S/O ABDUL RAHIMAN K M. KOTTASSERI HOUSE,  
KONGAD POST, KONGAD I, PALAKKAD, KERALA -, PIN - 678631

- 14 SURAJ MON P  
AGED 39 YEARS, S/O SUDHAKARAN 2/266, PUNCHAL,  
ERATTAVARI, THRIKKALLOOR, KOTTOPPADAM  
PANCHAYAT, PIN - 678601
- 15 NASAR O  
AGED 43 YEARS, S/O MOHAMMED O ONGALLOOR HOUSE,  
KOTTOPPADAM P.O, KANDAMANGALAM, PALAKKAD, KERALA .,  
PIN - 678583
- 16 SOORAJ C R  
AGED 35 YEARS, S/O RAMACHANDRAN SARITHA NIVAS,  
THADUKKASSERY, KERALASSERY, PALAKKAD,  
KERALA, PIN - 678641
- 17 THOMAS V J  
, AGED 39 YEARS, S/O V T JOSE VAZHAPPILLYVEEDU,  
BHOOTHIVAZHI, AGALI, PALAKKAD, KERALA, PIN - 678581
- 18 RASHEED K,  
AGED 41 YEARS, S/O MUHAMMED K P KANAKKAMPULLY,  
KARAKURISSY PO, PALAKKAD, KERALA, PIN - 678595
- 19 SHOUKATHALI P P  
AGED 38 YEARS, S/O SAITHALAVI P PPARAMBILPEEDIKA HOUSE,  
KARIMPUZHA, PALAKKAD, ATTASSERI, KERALA  
PIN - 679613
- 20 MUHAMMAD SEMEER,  
AGED 40 YEARS, S/O ABDUL OMMALA, AGALI, PALAKKAD,  
JELLIPARA, KERALA, PIN - 678581
- 21 HAREESH,  
AGED 39 YEARS, S/O SUKUMARAN HAREESH VIHAR, AGALI,  
PALAKKAD, KARARA, KERALA,, PIN - 678581
- 22 SHINOJ P  
AGED 36 YEARS, C/O CHANDU P PULIKKAL HOUSE,  
NALLOORPULLI, NEAR GLP SCHOOL, KARKKIDAMKUNNU P O,  
ALANALLUR II, PALAKKAD-, PIN - 678601
- 23 C A JACOB  
AGED 47 YEARS, S/O ANDRAYOSE CHANDI CHUNDAMANNIL HOUSE,  
KARIMBA P O, MANNARKKAD, PALAKKAD PIN - 678597
- 24 RADHAKRISHNAN  
AGED 43 YEARS, S/O DAMODARAN NAIR VATTAMPARAMBATH,

KANNAMKKUNDU, ALANALLUR, PALAKKAD, PIN - 678601

- 25 P BALAKRISHNAN  
AGED 50 YEARS, S/O BALAN PANAMPUZHI, CHUNDOTTUKUNNU,  
EDATHANATTUKARA PO, ALANALLUR- III, PALAKKAD, KERALA -,  
PIN - 678601
- 26 SIRAJUDHEEN KURUVAMPADAM  
AGED 39 YEARS  
S/O ASSAINAR K KURUVAMPADAM, UMMANAZHI, PALAKKAD,  
KERALA, PIN - 678632
- 27 JAYAKUMAR S  
S/O C K SUKUMARANCHERUVIL, MANTHONI, POONCHOLA P.O,  
POTTASSERY I, POONCHOLA, PALAKKAD, KERALA, PIN - 678598
- 28 BIJU P.  
AGED 43 YEARS  
S/O NARAYANAN NAIR PATHIYIL, KONGAD - I, MANIKKASSERI,  
PALAKKAD, KERALA, PIN - 678631
- 29 SURESH BABU  
AGED 44 YEARS  
S/O. GOVINDAN NAIR MOORKKOTH, NEAR K G M, THACHAMPARA,  
PALAKKAD, KERALA, PIN - 678593
- 30 JOTHISH JOHN  
AGED 36 YEARS  
S/O JOHN P C, POOVAKOTTIL HOUSE, KOTTIYODE,  
VIYYAKKURUSSY P. O, PALAKKAD, KERALA, PIN - 678593
- 31 IRSHAD P  
AGED 34 YEARS, S/O ABDUL RAZACK P T PALLIKATTUTHODI,  
VAZHANGALLI, ALANALLUR P O, ALANALLURI, ALANALLUR,  
PALAKKAD, PIN - 678601
- 32 RAJI RAJ R  
AGED 35 YEARS  
W/O JAYAPAL M, KOLLAMPARAMBILVEEDU, KANJAVELY,  
THRIKKARUVA, KOLLAM, KANJAVELY, KERALA, PIN - 691602
- 33 SAJI ANTONY  
AGED 55 YEARS  
S/O ANTONY THAMARAKKAL, PALLIKURUP PO, KARAKURISSI,  
PALLIKURUP, PALAKKAD, KERALA, PIN - 678593
- 34 SIJU V.  
AGED 45 YEARS

C/O AMBIKAAMMATHOTTASSERI 6/71, UMMANAZHI,  
KADAMPAZHIPURAM - II, PALAKKAD, KERALA, PIN - 678632

- 35 P NANDAKUMAR  
AGED 47 YEARS  
S/O UNNIKRISHNAN NAIR KOTTAYIL HOUSE, KOTTAPPURAM,  
KARIMPUZHA, PALAKKAD, KERALA, PIN - 679513
- 36 SHAJI P C  
AGED 51 YEARS  
S/O. CHANDY MARKOSE PALLATHCHIRA HOUSE, PUTHANOR P. O,  
PALAKKAD, PIN - 678592
- 37 JINTO GEORGE  
AGED 42 YEARS  
S/O IPE GEORGE, KIZHAKKEMALIYEEKKAL, THACHAMPARA,  
MUDUKURISSI, PALAKKAD, KERALA, PIN - 678593
- 38 SAJITH M K  
AGED 44 YEARS  
C/O KUTTYSANKARANMOOTHAYIL, PUNCHAPADAM, POOVADIKUNDIL,  
PUNCHAPADAM, SREEKRISHNAPURAM, PALAKKAD, KERALA,  
PIN - 678633
- 39 JAYAN A  
AGED 49 YEARS  
S/O PADMANABHAN NAIR AAMBAZHAKKOD HOUSE, THRIKKALLUR,  
POTTASSERY - II, THRIKALLUR, PALAKKAD, PIN - 678593
- 40 SURESH BABU M K .  
AGED 43 YEARS  
S/O SIVADASAN T., THACHAMKOTTIL, KANJIRAM, POTTASSERI,  
PALAKKAD, KERALA,, PIN - 678598
- 41 RAJESH P  
AGED 32 YEARS  
S/O. RAMAN P PANAMPOOZHI, CHUNDOTTUKUNNU,  
EDATHANATTUKARA P O, ALANALLURIII, PALAKKAD, PIN -  
678601
- 42 SURESH BABU P  
AGED 45 YEARS  
S/O SUKUMARAN NAIR KILIYANI, KUMARAMPUTHUR,  
KUMARAMPUTHUR, KERALA, PIN - 678583
- 43 MOHAMMED AFEEF N  
AGED 34 YEARS  
S/O ABDUL KHADAR N NAIKATH, VATTAMANNAPURAM, ALANALLUR,

VATTAMANNAPURAM, PALAKKAD, PIN - 678601

- 44 RAJAN K  
AGED 44 YEARS  
C/O NARAYANATHARAKAN KOOTHAKKATTIL HOUSE, PULINCHODE,  
CHUNANGAD, AMBALAPARA - II, CHUNANGAD, PALAKKAD, KERALA,  
PIN - 679511
- 45 VINIL KUMAR V S  
AGED 48 YEARS  
S/O. LATE A. G. SOMASEKHARANVANIYAPPILLIL, PO  
KIZHAKKUMPURAM, MANNUR, PALAKKAD, PIN - 678642
- 46 SUNIL T.C.  
AGED 38 YEARS  
S/O CHANDRAN TP THOTTATHIL HOUSE, AMBALAVATTAM, MUNDUR,  
ELAKKAD, PALAKKAD, KERALA, PIN - 678631
- 47 SURESH P C  
AGED 46 YEARS  
S/O P CHANDRAN, PUNNAYILKUTTUPATHA, MUNDUR - I, MUNDUR,  
PALAKKAD, KERALA, PIN - 678592
- 48 ANEESH K  
AGED 38 YEARS  
S/O BALAKRISHNAN K KANNITHODI, KULAPADAM, KUMARAMPUTHUR,  
PALAKKAD, KERALA, PIN - 678583
- 49 VISWANATHAN M S  
AGED 41 YEARS  
S/O SUBRAMANIAN M., KUNNATHKALAMPARAMBIL, KOLPADAM ROAD,  
NEAR THENKARA HIGH SCHOOL, TENKARA, PALAKKAD, KERALA,  
PIN - 678582
- 50 ASHIK T  
AGED 35 YEARS  
S/O ABDU T THAIKKOTTIL, KOTTAPPALLA, VATTAMANNAPPURAM  
PO, PALAKKAD, KERALA, PIN - 678601
- 51 UDHAYAKUMAR P K,  
AGED 44 YEARS  
S/O KESAVAN, POOLAPARAMBIL HOUSE, KARARA POST, AGALI,  
KARARA, MANNARKAD, PALAKKAD, PIN - 678581
- 52 RETHEESH K V  
AGED 37 YEARS  
S/O UNNIKRISHNAN K V KULARKKODE, KURUVAMPADY,

VAZHEMBURAM P O, PALAKKAD, KERALA, PIN - 678595

- 53 SIVAPRASAD K.  
AGED 35 YEARS  
S/O RAMACHANDRAN KURUPPATH, POMBRA, KARIMPUZHA II,  
POMBRA, PALAKKAD, KERALA, PIN - 678595
- 54 RAJASREE P  
AGED 39 YEARS  
W/O SWAMINADHAN KIZHAKKEKARA, VELLINEZHI,  
THIRUNAYANAPURAM, PALAKKAD, KERALA, PIN - 679514
- 55 MURALI  
AGED 51 YEARS  
S/O PARUKUTTYKURUVAMPADAM, KADAMPAZHIPURAM -I, PALAKKAD,  
VETTAKARA, KERALA, PIN - 678633
- 56 PRABHAKARAN U  
AGED 47 YEARS  
S/O LEELAVATHI AMMA UNNAMATH, SREEKRISHNAPURAM I,  
PALAKKAD, KERALA, PIN - 679513
- 57 V SARAVANAN  
AGED 47 YEARS  
S/O VELUSWAMI SREEKRISHNANIVAS, CHERUNKULAM, THENKARA,  
MANNARKKAD, PALAKKAD, PIN - 678582
- 58 JOBY JOSEPH  
AGED 41 YEARS  
S/O JOSEPH THAKIDIVELI, KANJIKUZHI, SNPURAM PO,  
CHERTHALA, KANICHUKULANGARA ED, ALAPPUZHA, PIN - 688582
- 59 PRASAD O  
AGED 38 YEARS  
C/O MADHAVAN O OLIPARA, SREEKRISHNAPURAM- I, PALAKKAD,  
KERALA, PIN - 679513
- 60 MUHAMED SADIQUE K.  
AGED 36 YEARS  
S/O MUHAMMED K KADAVATH, KARINGALLATHANI, CHETHALLUR PO,  
PALAKKAD, KERALA, PIN - 678583
- 61 SETHUMADHAVAN K  
AGED 51 YEARS  
C/O USHA, KOLLIYANI, KADAMPAZHIPURAM - I, OTTAPALAM,  
KERALA, PIN - 678633
- 62 BIJU N

AGED 53 YEARS  
S/O NARAYANAN , PUTHANKUDIYIL HOUSE, AGALI, MANNARKKAD,  
PALAKKAD, KERALA -, PIN - 678581

63 DEVARAJ S  
AGED 41 YEARS  
S/O SIVAN SREELAKSHMINILAYAM, PALOOR P.O, PADAVAYAL,  
PALAKKAD, KERALA, PIN - 678582

64 SELVAN M  
AGED 42 YEARS  
S/O MANIYANKAVUNDIKKAL, AGALI, MANNARKAD, PALAKKAD,  
KERALA, PIN - 678581

65 GOPINATHAN K G  
AGED 51 YEARS  
S/O GOPALAN NAIR, CHERIYEDATH HOUSE, PALLIKURUP,  
KARAKURISSI, PALAKKAD, KERALA, PIN - 678593

66 SUDHEESH K  
S/O SUSEELAN K J KUNNATHU HOUSE, KARIMPUZHA,  
ELAMBULASSERI P.O. PALAKKAD, KERALA, PIN - 678595

67 BUSHARA S  
AGED 47 YEARS  
W/O JAYAFAR, 10/231, ALALUKKAL, ARAKKUPARAMBA, PIN -  
679341

68 SUBRAMANIAN N  
AGED 44 YEARS  
S/O KARUPPAN NEDUMANNIL HOUSE, VALIKKODE, KALLADIKKODE  
PO, KARIMNA- II, PALAKKAD, KERALA, PIN - 678596

69 HASSAINAR K  
AGED 36 YEARS  
S/O MOHAMMEDALI K, KOTTEKKADAN HOUSE, CHANDAPADI,  
MANNARKKAD P. O, PALAKKAD, PIN - 678582

70 SHINTO KURIAN K  
AGED 36 YEARS  
S/O V M KURIAN KUNAMPURATH HOUSE, CHERAYA ROAD, KONGAD,  
CHERAYA, PALAKKAD, KERALA, PIN - 678631

71 MUHAMMED THAHIR T  
AGED 33 YEARS  
S/O ABDUL SALAM T, THIYYATHALAN HOUSE, KARAKURUSSI,  
PALAKKAD, MANNARKAD, PIN - 678595



- 72 KALIDAS N  
AGED 43 YEARS  
S/O PONNUKUTTAN N NILATHUMMARE, CHERUMKULAM, MANNARKAD  
-II, MANNARKKAD, PALAKKAD, PIN - 678582
- 73 N V PAUL  
AGED 50 YEARS  
S/O VARGHESE NADIYAKUZHIYIL, KUMARAMPUTHUR, PALAKKAD,  
KERALA, PIN - 678583
- 74 KHADAR T M  
AGED 51 YEARS  
S/O. MUTHUPPA T THANDOTTIL, MACHAMTHODU, THACHAMPARA,  
TACHAMPARA PO, PALAKKAD, PIN - 678593
- 75 SHABEER ALI T H  
AGED 38 YEARS  
S/O HANSA THAIKOTTIL HOUSE, YATHEEMKHANA,  
EDATHANATTUKKARA, ALANALLUR - III, EDATHANATTUKARA,  
PALAKKAD, KERALA, PIN - 678601
- 76 PRAKASH P R  
AGED 40 YEARS  
S/O RAVEENDRAN, POKKATTETH HOUSE, KOTTATHARA,  
KOTTATHARA, PALAKKAD, KERALA, PIN - 678581
- 77 ANEESH KUMAR M A  
AGED 33 YEARS  
S/O AYYAPPANKUTTY M MANAPPATTIL HOUSE, EDAKKURUSSI,  
KARIMBA, PALAKKAD, PIN - 678597
- 78 NASSAR T  
AGED 48 YEARS  
S/O HASSAN KHANITHEKKENATHTHAZHE, NELLIPPATHI, AGALI,  
PALAKKAD, KERALA, PIN - 678581
- 79 SARATH T  
AGED 35 YEARS  
S/O CHANDRAN T, THOTTUVAYAVAKADAPPURAM, KARIMPUZHA ,  
PALAKKAD, PIN - 678595
- 80 ELDHO NOBLE  
AGED 36 YEARS  
S/O ABRAHAM K V KOLLAMPARAMBIL, PATHIRICODE, EDAPPATTA,  
MALAPPURAM, PADIRIKODE, PIN - 679326
- 81 RATHEESH C  
AGED 35 YEARS

S/O. UNNIKRISHNAN K.V CHENGANAMPATTA, KUNNAKKAVU P O,  
ELAMKULAM, MALAPPURAM, KERALA, PIN - 679340

- 82 VARGHESE T S  
AGED 47 YEARS  
S/O SUNNY, THANNIKKAL, MATTARAKKAL, ARAKKUPARAMBA,  
MATTARAKKAL, MALAPPURAM, PIN - 679322
- 83 MOHAMED JAHFAR C T  
AGED 37 YEARS  
S/O ABOOBACKER CHARAPPATTUTHODICHARAPPATTUTHODI,  
VADAKKANGARA, MALAPPURAM, KERALA, PIN - 679324
- 84 BIJOY K  
AGED 35 YEARS  
S/O BALACHANDRAN K KALKUTHPARAMBIL HOUSE, VELLILA P O,  
MANKADA, VELLILA, MALAPPURAM KERALA, PIN - 679324
- 85 UMESH P K  
AGED 36 YEARS  
S/O UNNIKRISHNAN PARAKKADUKUNNATH, THATHANAMPULLI P O,  
KULUKKALLUR, PALAKKAD, KERALA, PIN - 679337
- 86 RAJESH K.P.  
AGED 47 YEARS  
S/O CHARU K P, KUNNATHPARAMBIL, VALAMBUR, PATTIKKAD VIA  
VALAMBUR, MALAPPURAM, KERALA, PIN - 679325
- 87 ABDUL SALIM  
AGED 43 YEARS  
S/O HAMSА KOTTAKKAL HOUSE KAIKOTTUMPALLIYAL, MANNARKKAD  
P O, PALAKKAD, KERALA, PIN - 678582
- 88 SARAFUDHEEN K .  
AGED 41 YEARS  
S/O MUHAMMED KANAKKANChERI HOUSE, KACHERIPARAMBA P O,  
MANNARKKAD, PALAKKAD KERALA, PIN - 678601
- 89 BINU ABRAHAM M A  
AGED 40 YEARS  
S/O ABRAHAM M, MUKKUDIkkATTIL KARAKURISSI, VAZHUMBRA,  
PALAKKAD, KERALA, PIN - 678595
- 90 YOUSUF PALATHINGAL  
AGED 42 YEARS  
S/O ALI PALATHINGAL PALATHINGAL HOUSE, T B, ROAD,  
PATTAMBI, PALAKKAD, KERALA, PIN - 678303

- 91       UMARUL FAROOQ K  
          AGED 34 YEARS  
          S/OMUHAMMEDMUSLIYAR C/O NADUKKANDIYIL HOUSE, PALAKAD,  
          PULPATTA, MALAPPURAM, KERALA, PULPATTA, PALAKKAD (MLP),  
          MALAPPURAM, KERALA, PIN - 673641
- 92       SHYJU T K  
          AGED 38 YEARS  
          S/O SREEDHARAN., THEKKINIYEDATH, PUNNAKKAD, MUKKATTA,  
          KARUVARAKUNDU, MALAPPURAM, PIN - 676523
- 93       SRIJEESH P C  
          AGED 39 YEARS  
          S/O GOVINDAN NAIR ARCHANA KOVILAKAM KUNDU, MANJERI,  
          MANJERI - KLA H O, MANJERI - KLA, MALAPPURAM, KERALA,  
          PIN - 676121
- 94       LISSY R  
          AGED 41 YEARS  
          W/O ANILKUMAR, LISSY VILASAM, AKKAL P.O VELINALLOOR,  
          KOLLAM, KERALA, PIN - 691516
- 95       SREE KUMAR P  
          AGED 45 YEARS  
          S/O N PRBHAKARAN PILLAI KIZHAKKATHILVEEDU, UMMANNOOR P.O  
          KOLLAM, PIN - 691520
- 96       SURESHKUMAR C  
          AGED 35 YEARS  
          S/O SHIVARAMAN CHINGATHUPUTHENVEETIL, AZHIYANNUR  
          PALAKKAD, PIN - 678633
- 97       SREES AN E  
          AGED 35 YEARS  
          S/O SACHIDANANDAN EYYALA, THIRUVAZHIYODE P.O,  
          VELLINEZHI, PALAKKAD, PIN - 679514
- 98       AJIL M  
          AGED 34 YEARS  
          S/O VASUDEVAN CM, SREEBHAVANAMSASTHAMANGALAM,  
          PALLIKURUPP, KARAKURISSI PALAKKAD, PIN - 678593
- 99       GOPALAKRISHNAN T  
          AGED 39 YEARS  
          S/O KUMARANAIR P THUVVASSERYKAVUNDA,  
          KOTTAPURAMKARIMBUZHA -I KOTTAPURAM, PALAKKAD, PIN -  
          679513

- 100 JINARAJ T J  
AGED 39 YEARS  
S/O. JEAVADESAN T.B. THYPARAMBIL, VADAKKEKARA, P.O  
CHITTATTUKARA, ERNAKULAM, PIN - 683522
- 101 SUDHEESH N.S.  
AGED 39 YEARS  
S/O. SUTHAN M, NAMBIYATH, MURAVANTHURUTH, VADEKKEKKARA,  
ERNAKULAM, PIN - 683522
- 102 LIJU K R  
AGED 35 YEARS  
S/O. RADHAKRISHNAN MANAKKAPARAMBIL HOUSE,  
KANUVULLIPADAM, EDAYAKUNNAM, VALAM, CHITTOOR, PIN -  
682027
- 103 JYOTHI K .K.,  
AGED 45 YEARS  
W/O PALAVASAM.V., KADAPPILLY PARAMBU, CHANDHANATHARA,  
KANDAKARNANVELI, KAITHARAMPO, PIN - 683519
- 104 DINEESH P M.  
AGED 38 YEARS  
S/O. P G MUKUNDAN, PALLATHUPADY HOUSE, NEAR MANGALYA  
AUDITORIUM, NAYARAMBALAM, PIN - 682509
- 105 V.K. MISSEN MON  
AGED 44 YEARS  
S/O. KUNJAN V.K., VADAPPURATH, KOCHAMBALAM, KAITHARAM  
P.O., NORTH PARAVUR, PIN - 683519
- 106 A.R. RAFEEQ  
AGED 34 YEARS  
S/O. RASHEED A A ,ARAKKAPARAMBIL, KEDAMANGALAM, NORTH  
PARAVUR P.O., EZHIKKARA, ERNAKULAM, PIN - 683513
- 107 STATE OF KERALA  
REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT,  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

BY ADV T.R.S.KUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 02.08.2023,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ALEXANDER THOMAS & C. JAYACHANDRAN, JJ.**

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W.A. No. 820 of 2023  
[arising out of the Judgment dated 23.02.2023  
in W.P. (C)No.33790/2022]  
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Dated this the 2<sup>nd</sup> day of August, 2023

**JUDGMENT**

**C. Jayachandran, J.**

The Kerala State Road Transport Corporation ('KSRTC' for short) and its Managing Director are the appellants. Under challenge in this Writ Appeal is the judgment of the learned Single Judge in W.P(C)No.33790/2022, which directed the appellants to remit the employees' and employer's contribution to the National Pension Scheme and the contribution to State Life Insurance Policy and Group Insurance Accounts to the respective heads within a period of six months from the date of the judgment, that is 23<sup>rd</sup> February 2023. The contention of the appellant-Corporation (respondent in W.P(C)) was essentially based on the poor financial conditions of the Corporation to remit the

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amounts due under the various heads, including the National Pension Scheme. The learned Single Judge found that, there is no justification in not remitting the amounts to the National Pension Scheme, once the employees' contribution to the same has been deducted from their salary.

**2.** Having heard Sri. Deepu Thankan, learned Standing Counsel for the appellant/Corporation and Sri.T.R.S.Kumar, learned counsel on behalf of the respondent/employees and perusing the records, we find no tenable ground to interfere with the judgment impugned of the learned Single Judge. Sri. Deepu Thankan, essentially focused on the following aspects. Firstly, the learned counsel espoused the financial plight of the Corporation, which has been detailed in the counter affidavit preferred to the writ petition. Apart from the same, the learned counsel argued that, the National Pension Scheme contemplates an arrangement for delayed payment of contribution,

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after deduction from the salary, together with interest at the stipulated rate. Therefore, the intervention of the learned Single Judge was not necessary. Another aspect pointed by the learned counsel is that, the petitioners have not reached the age of retirement and there is no room for any apprehension on their part. According to the learned counsel, the petitioners could have waited, especially when they are fully aware of the poor financial situation of the Corporation. The 3<sup>rd</sup> ground urged is that, the directions of the nature contained in the order impugned would persuade other employees, who are similarly situated, to approach this Court, which would completely devastate the financial management of the Corporation, which is even otherwise in turmoil. All the above grounds were refuted by the learned counsel for the respondent/employees.

**3.** we find little merit in any of the grounds urged by the appellant/Corporation. The primary

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aspect which weigh with us, is the fact that the appellant-Corporation had effected deduction from the salary of the employees' towards their contribution to the National Pension Scheme, the non remittance of which could not be justified on any legal premise. As rightly held by the learned Single Judge, once such deductions are effected, the Corporation is statutorily bound to remit the same to the Contributory Pension Scheme. Non-remittance of the said funds, after effecting the deduction, could obviously indicate diversion of the same for some other purposes of the Corporation, which action can hardly be justified. The Corporation inheres no right to meet its financial obligation by utilizing the employees' contribution to the National Pension Scheme. Therefore, even if the financial plight propounded by the Corporation is liable to be considered, the same could not provide any justifiable ground for non-remittance of the employees' contribution to



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the National Pension Scheme.

**4.** Coming to the ground of a provision in the National Pension Scheme mulcting the liability to pay interest on the belated payment of the employees' contribution, we fail to understand as to how the said provision can be espoused as a right to delay the payment of the employee's contribution to the respective head. The provision can only be in the nature of a penalty to the Corporation by stipulating payment of interest for the delayed amount. Moreover, it does stand to reason that the Corporation, which is stated to be in financial doldrums, will effect payment together with interest, in which situation the Corporation will have to shoulder a larger financial responsibility. So also, we do not find any merit, in the ground that the petitioners could have afforded to wait, since they are not due for retirement. Such a ground cannot be pressed into service to wriggle out of a statutory

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obligation, especially when the employees' contribution is admitted to have been deducted. The final ground of the likelihood of similarly situated employees' approaching this Court also does not commend to us.

5. We find to no infirmity or illegality in the judgment impugned of the learned Single Judge, so as to interfere with the same. We reject the appeal, however, granting a further period of six months from the date of receipt of a copy of this judgment, for the Corporation to effect the payments specifically referred to in Paragraph No.5 of the impugned judgment.

Sd/-

**ALEXANDER THOMAS ,  
JUDGE**

Sd/-

**C. JAYACHANDRAN ,  
JUDGE**

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