

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

DATE OF DECISION: APRIL 08, 2015

The Dashmesh Tractor Trolley Union, Budlada, District Mansa

.....Petitioner

VERSUS

The State of Punjab and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Ms. Sangita Dhanda, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner-Tractor Trolley Union has approached this Court with a grievance that the respondents are misreading the judgement passed by this Court in Civil Writ Petition No.22100 of 2012 (Sohan Singh Vs. The State of Punjab and others), decided on 27.11.2014 (Annexure P-3), wherein it has been stated by this Court that no overloading of the transport vehicles would be permitted and in case such a violation is found, the person issuing the gate pass will be personally responsible for any violation in this regard. Direction had also been issued to the State agencies to issue appropriate circulars to the effect that if the transporters violate Sections 113 to 115 of the Motor Vehicles Act, 1988 (for short, "the Act"), they shall face the consequences, which could even include, apart from the punishment under the Act, further disqualifications that might result in

blacklisting and the loss of entrustment of works. This order is being taken by the respondents as virtually banning the allotment of work to the petitioner-Union, who is earning its livelihood through transporting the goods on the tractor trolleys. Reference has also been made to the order dated 09.01.2015 (Annexure P-4) passed by the Managing Director, PUNGRAIN, which is in compliance with the order passed by this Court in Sohan Singh's case (supra), where again nothing has been said, which would indicate that the persons who are using tractor trolleys are not to be assigned any work of transporting the goods. It appears that the petitioner-Union is proceeding on the assumption that there is a ban imposed by this Court for allotting work to the persons using tractor trolleys for transportation of goods. As is apparent from the provisions of the Act, if the required permission/registration/permit etc. is available with the owner of the tractor trolley, the same can be plied as a transport vehicle. Reference in this regard can be made to the order dated 10.05.1996 (Annexure P-1) passed by this Court in Civil Writ Petition No.8796 of 1994 (The Dashmesh Tractor Trolley Union, Sunam and others Vs. State of Punjab and others), which judgement has been upheld by the Division Bench of this Court in L.P.A. No.823 of 1996 (State of Punjab and others Vs. The Dashmesh Tractor Trolley Union, Sunam and others), vide judgement dated 07.01.1997 (Annexure P-2).

In view of the above, there appears to be no impediment in case the work is allotted to the tractor trolleys owners provided they are having the necessary permissions and fulfill the other conditions of the Act. The petitioner-Union, therefore, has approached this Court under a misapprehension as there is neither any bar with regard to allotting them

work for transportation by any order passed by this Court as nothing has been brought to the notice of the Court nor there is any such bar in the order dated 09.01.2015 (Annexure P-4). It is for the respondents to decide with regard to the mode which they intend to utilise for the purpose of transportation of the goods. It will be open to the petitioners to approach the competent authority in this regard, if so advised.

The writ petition stands disposed of accordingly.

April 08, 2015
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE