

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.7513 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue an appropriate writ order or direction, more in the nature of mandamus declaring the action of the Depot Managers of Kanigiri, Ongole, Kandukur to insist the petitioners to do the dual job of Driver and conductor by operating TIMs, in view of the order pronounced by the High Court in WA.No.954/2004 and PIL No.84/2013, as illegal, arbitrary and consequently direct the respondents No.1 to 5 not to insist the petitioners to perform dual jobs as Driver and Conductor by operating TIMS and pass such other order or orders may deem fit and proper in the circumstances of the case.”

2. Heard Sri V.A.Raju, learned counsel, appearing for the petitioner and Sri A.Rama Rao, learned counsel, appearing for the respondents.

3. When the matter is called, it is represented by the learned standing counsel for the respondent Corporation that the State Government amended Rule 72 of the Andhra Pradesh Motor Vehicles Rules, 1989 and the following is the said amendment as notified in G.O.Ms.No.21, Transport, Roads & Buildings (T.R.I) Department, dated 24.04.2015.

“In the said rules:-

1. In rule 72, for the existing third and fourth provisos, the following proviso shall be substituted, namely, -

“Provided that a stage carriage can be operated without a conductor if the driver of the said stage carriage acts as a conductor, subject to the condition that he shall fulfil the conditions proscribed in Rule 72-A.

2. After rule 72 so amended, the following new rule shall be inserted, namely, -

“Rules 72-A : Notwithstanding anything contained in rule 72, the drivers of stage carriages performing the functions of Conductors shall exempt from possession of conductor’s licence required under sub-section (1) of Section 29 of the Act subject to the following conditions:-

- (i) The driver, acting as conductor in a stage carriage shall have the Educational Qualification prescribed in rule 54.*
- (ii) The driver shall possess a certificate in First-Aid as provided for in rule 55.*
- (iii) The driver shall have undergone training for minimum period of (3) days in the operation of issue of tickets through ticket issuing machine or through other means.*
- (iv) The afore-stated training may be imparted by any school or establishment which is licensed under Section 12 of the Act and a certificate to the effect that a person completed the said training successfully shall be issued by the said school or establishment.*
- (v) The certificate referred to in condition*
- (vi) shall be carried by a driver while performing the duties of a conductor and shall be produced, on demand, by any checking officer, authorized to check the stage carriages.*
- (vii) The fee for the training referred to in condition (iv) is Rupees one hundred only.”*

4. In view of the same, this Court is of the opinion that unless the petitioners question validity of the said amendment, they are not entitled for any relief from this Court under Article 226 of the Constitution of India.

5. For the aforesaid reasons, Writ Petition is closed. However, it is open for the petitioners herein to question the validity of the said amended Rule, if they are advised to do so.

6. Miscellaneous petitions pending consideration, if any, in the Writ

Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

21.03.2016
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