

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14777 of 2006

Sukhwinder Kumar & another

... Petitioners

Versus

State Transport Appellate Tribunal, Punjab & another

... Respondents

CWP No.14837 of 2006

Jatinder Pal

... Petitioner

Versus

State Transport Appellate Tribunal, Punjab & another

... Respondents

CWP No.10743 of 2007

Guru Har Rai Coop. Transport Society Ltd.

... Petitioner

Versus

State Transport Appellate Tribunal, Punjab & others

... Respondents

Decided on :04.08.2016

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.Rohit Kapoor, Advocate, for the petitioners
(in CWP-14777 & 14837-2006).

Mr.B.S.Giri, Advocate, for the petitioner
(in CWP-10743-2007).

Ms.Lavanya Paul, AAG, Punjab.

G.S. Sandhawalia, J. (Oral)

This judgment shall dispose of CWP-14777, 14837-2006
and 10743-2007, involving common questions of law and facts.
However, to dictate orders, facts have been taken from CWP-14777-
2006.

Petitioners are aggrieved against the order dated 18.12.1997 (Annexure P3) whereby its request for grant of stage carriage permit on Ludhiana-Sultanpur via Phillaur, Nakodar, Lohian route was rejected by the State Transport Commissioner, Punjab, while exercising powers of Regional Transport Authorities. Challenge is also laid to the order dated 28.03.2005 (Annexure P4) whereby the State Transport Appellate Tribunal, Punjab, Chandigarh, rejected the appeal filed by the petitioners.

It is not disputed that the Appellate Tribunal had disposed of 31 appeals vide a common order and the petitioners were also one of the appellants therein. The present writ petitions were ordered to be listed along with CWP-10262-2006, which was filed by one Ramandeep Bus Service, who was also one of the appellants before the Tribunal. The above-said writ petition was disposed of on 07.05.2009 with a direction to respondents No.2 & 3, in that case, to consider the petitioner's claim, afresh, in the light of the judgments cited before this Court. The order reads as under:

“The petitioner-a private transport company, seeks quashing of the orders dated 11.12.1997 (Annexure P-4) and 28.03.2005 (Annexure P-5), whereby its application for grant of one regular stage carriage permit on Malerkotla-Moga route via Cheema, Raikot, Jagraon has been rejected. The petitioner also seeks a direction to respondents No.2 and 3 to grant permit on the above stated route.

During the course of hearing, learned counsel for the petitioner submits that the controversy involved in this case has been squarely answered in the petitioner's favour by a Division

Bench of this Court vide judgment dated July 13, 2006 passed in C.W.P No. 3613 of 205 (Majhi Motors (Regd.), Patiala vs. State Transport Appellate Tribunal and others).

Having heard learned counsel for the parties at some length and keeping the above noticed stand taken on behalf of the petitioner, however, without expressing any views on the merits of petitioner's claim, this writ petition is disposed of with a direction to respondents No.2 and 3 to consider the petitioner's claim in the light of the judgment dated July 13, 2006, rendered by this Court in Majhi Motor's case (supra) within a period of three months from the date of receipt of certified copy of this order and in case the petitioner is found entitled for the grant of stage carrier permit, as per the said judgment, the same shall be granted within the above stated stipulated period. In case respondents No.2 and 3 are of the view that the judgment in Majhi Motor's case (supra) is distinguishable or is not attracted to the facts of the present case, in that event, the petitioner's claim shall be disposed of by passing a reasoned order.

Copy of order be given dasti on payment of usual charges.”

Accordingly, keeping in view the fact that the petitioners were also co-appellants along with Ramandeep Bus Service, before the Appellate Tribunal, the present writ petitions are also disposed of, in the same terms, with a direction to respondent No.2, to decide the issue afresh, keeping in view the above directions, within a period of 2 months from the receipt of the certified copy of this order.

AUGUST 4th, 2016

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**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No