

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

**CWP No. 11789 of 2014(O&M)
Date of decision: 12.01.2016**

Kamlesh Kaur and another

.....Petitioners

versus

State Transport Commissioner, Punjab, Chandigarh and others

.....Respondents

CWP No. 5059 of 2014

Amrit Bus Service Regd. Batala

.....Petitioner

versus

State Transport Commissioner, Punjab and another

.....Respondents

CWP No. 1336 of 2015

Gurpreet Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CWP No. 6041 of 2015

M/s Hemkunt Bus Services Regd.

.....Petitioner

versus

Secretary Regional Transport Authority Patiala

.....Respondent

CWP No. 6125 of 2015

Gurmail Singh

.....Petitioner

versus

Secretary Regional Transport Authority, Ferozepur

.....Respondent

CWP No. 6495 of 2015

The Amritsar Harike Transport Cooperative Society Ltd.
.....Petitioner

versus

The Secretary Regional Transport Authority, Jalandhar
.....Respondent

CWP No. 7313 of 2015

M/s Zimidara Bus Service Regd.
.....Petitioner

versus

The Secretary, Regional Transport Authority, Jalandhar and another
.....Respondents

CWP No. 7314 of 2015

M/s Shakri Bus Service
.....Petitioner

versus

The Secretary, Regional Transport Authority, Jalandhar and another
.....Respondents

CWP No. 7315 of 2015

United Bus Service Regd.
.....Petitioner

versus

The Secretary, Regional Transport Authority, Jalandhar and another
.....Respondents

CWP No. 8382 of 2015

Navrang Bus Service Regd.
.....Petitioner

versus

The Secretary, Regional Transport Authority, Jalandhar
.....Respondent

CWP No. 11164 of 2015

Ms/ Malwa Highway Bus Service Regd.

.....Petitioner

versus

The Secretary, Regional Transport Authority, Jalandhar

.....Respondent

CWP No. 12919 of 2015

The Jawalamukhi Motors

.....Petitioner

versus

State of Punjab and others

.....Respondents

CWP No. 14551 of 2015

Amrinder Singh

.....Petitioner

versus

Secretary Regional Transport Authority Jalandhar and another

.....Respondents

CWP No. 14868 of 2015

Nishant & Malwa Bus Pvt. Ltd.

.....Petitioner

versus

The Secretary Regional Transport Authority Jalandhar

.....Respondent

CWP No. 15366 of 2015(O&M)

Bhinder Pal

.....Petitioner

versus

Regional Transport Authority and others

.....Respondents

CWP No. 15400 of 2015(O&M)

Bhinder Pal

.....Petitioner

versus

Regional Transport Authority and others

.....Respondents

CWP No. 17240 of 2015

The New Satluj Transport Company Limited, Jalandhar and anr.

.....Petitioner

versus

State of Punjab and others

.....Respondents

CWP No. 18504 of 2015

The Amritsar Harike Cooperative Transport Society Ltd.

.....Petitioner

versus

State of Punjab and others

.....Respondents

CWP No. 20446 of 2015

Sandhu Bus Service Regd. Tarn Taran and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Rohit Kapoor, Advocate (in CWP No. 20446 of 2015)
Mr. P.S.Bawa, Advocate(in CWP Nos. 6041, 6125,
6495,14551, 14868 of 2015)
Mr. Sanjay Dhiman, Advocate(in CWP No. 5059 of 2014)
Mr. Ravish Bansal, Advocate
(in CWP Nos. 15366 & 15400 of 2015)
Mr. Raj Kaushik, Advocate(in CWP Nos.1336, 12919 of 2015)
Mr. B.S.Giri, Advocate
for the petitioners.

Mr. ADS Jattana, Advocate
Mr. H.S.Lalli, Advocate
for the respondents.

Mr. Anil Ahluwalia, Advocate
for respondent No. 2(in CWP No. 6495 of 2015)

Mr. P.S.Bawa, Advocate
for respondent No. 3(in CWP Nos. 15400 & 15366 of 2015)

Mr. H.S.Sawhney, Sr. Advocate with
Ms. Nidhi Sharma, Advocate
for respondent No. 4(in CWP Nos. 11789 & 17240 of 2015)

Mr. R.S.Sharma, Advocate
for respondent No. 4(in CWP No. 17240 of 2015).

Mr. Suresh Singla, Addl.AG, Punjab.

Rakesh Kumar Jain, J.(Oral)

This order shall dispose of a Bunch of 19 cases bearing CWP Nos. 5059, 11789 of 2014, 1336, 6041, 6125, 6495, 7313, 7314, 7315, 8382, 11164, 12919, 14551, 14868, 15366, 15400, 17240, 18504, 20446 of 2015.

However for the sake of convenience, the facts are being extracted from CWP No. 11789 of 2014. Shorn of necessary details, it would be apt to mention that the petitioner, in this case, has prayed for issuance of a writ the nature of Certiorari for setting aside the notice dated 19.05.2014(Annexure P-5) and notice dated 28.05.2014(Annexure P-6), published in the Motor Transport Gazette(Weekly), Chandigarh dated 22.05.2014 & 1.06.2014 respectively, for changing the existing Joint Time Tables.

Counsel for the respondents has submitted that the petitioners have a remedy of appeal under Section 89 of the Motor Vehicles Act, 1988 (for short, 'the Act') and also in terms of order dated 22.05.2013 passed in CM No. 6491 of 2013 in CWP No. 19537 of 2011 titled as '*Bikramjit Singh vs. State of Punjab and others*'.

On the other hand, counsel for the petitioner has submitted that there is a violation of Section 72 of the Act and the interim orders passed by

the Apex Court for the redressal of which this petition is maintainable.

I have heard learned counsel for the parties and after examining the available record, am of the considered opinion that in case it is only the notice which has been challenged then writ petition is pre-mature and in case the Joint Time Table has been challenged and the effect of notice has come into being, the remedy lies in appeal in terms of Section 89 as well as in terms of order passed by this Court in case of Bikramjit Singh(supra) where in the Division Bench has said *“Similarly, if the Time-Table for a route is notified in an unjust or arbitrary manner, we authorise the said Tribunal to issue appropriate directions for suitable modification of such time-table.”*

Faced with these facts and circumstances, Counsel for the petitioner has prayed that he may be allowed to withdraw these petitions as suggested by counsel for the respondents in order to file an appeal before the State Transport Appellate Tribunal. The prayer made by the petitioners is accepted and the petition is hereby dismissed as withdrawn with liberty to the petitioners to seek their remedy of appeal/revision before the Tribunal. If the appeal/revision is filed within 15 days then no objection regarding the limitation shall be raised by the other side.

Counsel for the petitioners has also raised his anxiety about the disposal of the appeal/revision before the competent authority and has prayed that this Court may also issue a direction at this stage to the appellate authority/revisional authority to decide the appeal/revision, in case it is filed within the time prescribed by this Court, then within a period of three months.

Ordered accordingly.

12th January, 2016
Shivani Kaushik

[Rakesh Kumar Jain]
Judge