

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

**CWP No.1515 of 2016
Decided on :02.12.2016**

The Sirsa Bhatia Co-operative Transport Society Ltd. and others

... Petitioners

Versus

State of Haryana and others

... Respondents

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

Present : Mr. H.S. Hooda, Senior Advocate with
Mr. C.S. Singh, Advocate for the petitioner.

Mr. Indresh Goel, Addl. AG, Haryana.

G.S. Sandhawalia, J. (Oral)

The petitioners who are 14 in number sought directions to allow their buses four trips instead of three trips on route No.28 i.e. Hansi to Tohana via Barwala and on route No.29 i.e. Tohana to Hansi via Barwala.

The case of the petitioners is that as per the scheme dated 12.08.2013 (Annexure P-1), the petitioners had been allotted Stage Carriage Permit on the said route (Annexure P-2). The distance of the said route is approximately 75 Kms. The grouse of the petitioners is that they should be permitted four rounds instead of three rounds, which had been granted to other cooperative societies like the petitioners.

It is the case of the petitioners that a representation dated 31.08.2015 (Annexure P-3) was filed for the necessary relief with the District Transport Authority, but no decision has been taken on the same. It is further their case that a recommendation has also been made by respondent No.3, The Secretary Regional Transport Authority, Hisar on

10.09.2015 (Annexure P-4) to the Transport Commissioner.

Counsel for the petitioner has submitted that in similar circumstances, Regional Transport Authority, Sirsa in its meeting held on 02.03.2016 (Annexure P-5) has permitted the cooperative societies operators on Route No.5 to enhance their single three trips to four single trips.

The defence of the State is that directions have been issued to revisit the 2013 Scheme and a draft Stage Carriage Scheme-2016 has been notified on 25.02.2016 (Annexure R-1). Therefore, the request of the petitioners has been examined in view of Clause-7 of Stage Carriage Scheme-2013. It is further submitted that the number of trips had been granted as per the schedule appended to the Stage Carriage Scheme-2013 irrespective of the length of the route. The relevant part reads as under:-

“The requests of the petitioners are being examined in view of the clause 7 of the approved Stage Carriage Scheme of 2013 and issuance of notification of draft Stage Carriage Scheme on 25.02.2016 in suppression of the Stage Carriage Scheme of 2013 in compliance of the orders of this Hon'ble Court. Therefore, the present civil writ petition has no relevance and is not maintainable in the eyes of law.”

After hearing counsel for the parties, this Court is of the opinion that the decision making process has unnecessarily been delayed for a period of over one year. In similar circumstances as noticed above, on 02.03.2016 in spite of the draft scheme having been notified necessary benefits have been given to other operators by the Regional Transport Authority, Sirsa. As noticed above, even a recommendation

(Annexure P-4) has been made by respondent No.3 in their favour.

In such circumstances, there will be violation of Article 14 of the Constitution of India, in case request of the petitioners is not considered, as prayed for. Accordingly, the present writ petition is disposed of with the direction to respondent No.2 to consider and decide the representation of the petitioners within a period of two months from the receipt of the certified copy of this order.

With the abovesaid observations, the present writ petition is disposed of.

DECEMBER 02, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No