

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

202

CWP-5880-2015

Decided on : 06.12.2016

Ms/ Grewal Bus Service Regd.

... Petitioner

Versus

Secretary Regional Transport Authority and another

.. Respondents

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

Present : Mr.Rajinder Sharma, Advocate
for the petitioner.
Ms.Lavanya Paul, AAG, Punjab.
Mr.B.S.Sudan, Advocate for respondent No.2.

G.S.Sandhawalia, J. (Oral)

Petitioner seeks setting aside the notice dated 05.03.2015 (Annexure P/7) as published in the Motor Transport Gazette, dated 08.03.2015 for changing the existing approved joint time table for the operation on Ahmedgarh to Barnala route via Manal, Malerkotla and back.

The grouse of the petitioner who is holding two return trips on the said route, is that the action has been taken by the respondent No.1 which is not in accordance with law and the approved time table cannot be changed on the representation of the operator.

It is not disputed that respondent No.2 who was also holding a permit on the said route with one trip daily, which was transferred in his favour on 20.08.2014 (Annexure P/3), had approached this Court on the ground that he had filed a representation dated 30.12.2014 (Annexure P/6). The grouse of respondent No.2 in

the said representation was that on the return from Ahmedgarh, his vehicle was being asked to stay at Malerkotla for over four hours from 12.25 pm, as per the approved time table, since his bus would start from Malerkotla at 04.22 pm. This Court had accordingly vide order dated 02.02.2015 in CWP-1690/2015 directed that the representation would be decided by respondent No.1, herein, and the grievance of the petitioner would be considered by passing an appropriate order strictly in accordance with law.

It is thus apparent that in pursuance of the directions of this Court, the requisite notice had been issued which now is sought to be impugned.

Perusal of the notice would dated 05.03.2015 go on to show that hearing was to take place on the date fixed for scrutiny of the papers and all the operators were to be present. On account of the lack of consensus, the proceedings were deferred. The petitioner in the meantime, had already approached this Court on 30.03.2015 and got status quo order.

The stand of the State is also that in view of the stay order, the proceedings have not been finalized and the matter for finalization and time table has thus been ordered to be kept pending. Thus, it is apparent that authorities were only acting on the representation made and the order passed by this Court after issuing due notice to the petitioner.

In the facts and circumstances of the case, this Court is of

the opinion that this petition at this stage is premature since only notice has been issued and proceedings are yet to be finalized.

The proceedings as such cannot be said to be vitiated in any manner which would warrant interference by this court.

It is always open to the petitioner to raise his objections and in case of any adverse order, challenge the final order which is to be passed by the authorities if it is not in accordance with law.

In view of the above observations, this petition is dismissed.

[G.S. SANDHAWALIA]
JUDGE

06.12.2016

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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No