

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Pronounced on: 9th February, 2016

+ LPA 139/2014 & CM No.2571/2014 (stay)

DELHI TRANSPORT CORPORATION & ANR. Appellants
Through Ms. Avnish Ahlawat with Ms. Latika
Chaudhry, Advocates

Versus

NATIONAL INDUSTRIAL TRAINING
CENTRE & ORS. ... Respondents
Through: Mr. G.S. Suhag, Adv. for R1
Mr. Satyakam, ASC for R2&3/GNCTD
Mr. Arun Bhardwaj, CGSC for R4/UIO

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JAYANT NATH

J U D G M E N T

G. ROHINI, CHIEF JUSTICE:

1. This appeal is preferred against the order of the learned Single Judge dated 19.12.2013 in W.P.(C) No.7042/2013. The respondents 2 and 3 in the writ petition/Delhi Transport Corporation (DTC) are the appellants before us.

2. The said writ petition was filed by the National Industrial Training Centre (for short 'NITC') seeking a direction to DTC to extend the facility of concessional bus passes for its students. Placing reliance upon Regulation 5 of DTC (Free and Concessional Passes) Regulations, 1985, the learned Single Judge allowed the writ petition by the order under

appeal and DTC was directed to extend facility of concessional bus passes to the bona fide students of the NITC within a period of four weeks subject to completion of the necessary formalities in that regard. Aggrieved by the same, DTC has come up with the present appeal.

3. We have heard the learned counsel for both the parties.

4. DTC (Free and Concessional Passes) Regulations, 1985 (for short 'Regulations') are made by DTC in exercise of the powers conferred by Section 45(2)(d) read with Section 19(1)(d) of the Road Transport Corporation Act, 1950 read with Delhi Road Transport Laws (Amendment) Act, 1971. Regulation 5 provides for concessional bus passes to the students. Such passes shall be available to the benefit of the educational institutions in Delhi recognized by (i) the University set up in Delhi by the Act of Parliament; (ii) Central Government, Delhi Administration and Municipal Corporation of Delhi; and (iii) Mentally retarded students who are receiving guidance in the institutes run by the Government, Delhi Administration, local bodies or by the societies aided by the Government.

5. The writ petitioner/NITC/respondent No.1 herein is an Industrial Training Centre affiliated to the Government of India and Government of NCT of Delhi and thus falls within the purview of Regulation 5. Consequently, its students are entitled to concessional bus passes. However, the request of NITC to extend the facility of concessional bus passes to its students was rejected by DTC basing upon a resolution passed by DTC in its meeting dated 10.05.2002 to repeal certain provisions of the Regulations including Regulation 5 regarding concessional bus passes.

6. The learned Single Judge held that as per Section 45 of the Road Transport Corporation Act, 1950, the amendments to the Regulations can be carried out only with the previous approval of the State Government and since no such sanction has been granted by the Govt. of NCT of Delhi to the amendment proposed by DTC vide its Board Resolution dated 10.05.2002, the impugned action of DTC in declining to extend the facility of concessional bus passes to the students of the writ petitioner/NITC is illegal.

7. It is to be noticed that the resolution of the DTC has not yet been approved by the GNCTD and the amendment as proposed by DTC to Regulation 5 has not been effected till date. In fact, the material available on record shows that GNCTD had informed DTC that denial of concessional bus passes to some of the students as proposed in the resolution dated 10.05.2002 would amount to discrimination against the institutions. In the light of the admitted facts of the case, we are unable to hold that the order under appeal suffered from any error warranting interference by us.

8. The learned counsel appearing for the appellant/DTC submitted that DTC in fact has requested GNCTD to convey approval for releasing 100% subsidy of the cost of concession and in the absence of such subsidy, DTC would be unable to grant concession to the students of the private institutions. It is also contended that until and unless the institute or the Govt. of NCT of Delhi reimburses the loss of Rs.700/- per pass per month, DTC would suffer huge losses since large scale financial implications are involved in implementation of the directions of the learned Single Judge.

9. We do not wish to express any opinion as to the inability expressed by DTC to extend the facility of concessional bus passes to the students of the writ petitioner/respondent No.1 herein on the ground of financial implications. As noticed above, the writ petitioner/NITC is an institution affiliated to National Council for Vocational Training as per the communication of the Government of India dated 31.12.2003 and thus is covered by Regulation 5 of the Regulations as it stands as of today. Therefore, the students of NITC/writ petitioner cannot be denied the facility provided under the statutory regulations.

10. For the aforesaid reasons, we do not find any merit in the appeal and the same is accordingly dismissed.

CHIEF JUSTICE

JAYANT NATH, J

FEBRUARY 09, 2016

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