

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.642 of 2017

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Sita Devi, W/o Sri Pramod Kumar, R/o 24 Vivek Vihar, P.O. & P.S. Bahadurpur,
Dist. - Patna.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Transport, Government of Bihar, Patna.
2. Chairman, State Transport Appellate Tribunal, Bihar, Patna.
3. Regional Transport Authority, Patna through Secretary.
4. Chairman, South Bihar Regional Transport Authority, Patna.

.... Respondents

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Appearance:

For the Petitioner	: Mr. B.N.Singh, Mr. R.K.Singh, Mr. Kumar Gaurav, Advocates
For the Respondents	: Mr. Raghavendra Kumar, SC 22 Mr. Rajesh Roy, AC to SC 22

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-11-2017

The present writ petition has been filed for quashing the order dated 15.12.2016 passed by the Chairman, State Transport Appellate Tribunal, Bihar, Patna (hereinafter referred to as 'the Tribunal') in Transport Appeal No. 03 of 2016.

2. Learned counsel for the petitioner submits that the impugned order is palpably arbitrary, illegal and contrary to the order of the Tribunal dated 12.01.2016 passed in Transport Appeal No. 07 of 2015 (Annexure-3) in favour of the petitioner allowing the appeal by reason of which the petitioner was entitled to a permit for route No. 20 between Kankerbagh and Engineering College, passing via Patna Kirana Store. It is submitted that the Tribunal has erred in directing the petitioner to file the revised time table



inasmuch as the same had already been filed along with an application dated 26.09.2014 (Annexures-5 & 5A) pursuant to the order of this Court dated 10.07.2014 passed in CWJC No. 11255 of 2014 (Annexure-4) but was not being acted upon by the Regional Transport Authority, Patna (hereinafter 'the Authority'). The respondent Authority is now seeking to deny the permit on a new ground by relying on a decision taken vide Sl. No. 3 of *Karyawahi* No. 18 in its meeting held on 12.05.2016 in order to avoid complying with the order of the Tribunal dated 12.01.2016 passed in the appeal.

3. Learned counsel for the respondents seeks to support the impugned order, *inter alia*, on the ground that the petitioner did not file the revised time table as directed by this Court by order dated 10.07.2014 in CWJC No. 11255 of 2014. It is submitted that the Tribunal, while allowing the appeal of the petitioner on 12.01.2016, had directed the Authority to pass a reasoned order. Thereafter, in a meeting of the Authority on 12.05.2016 (Annexure-9), the petitioner was directed to file a revised time table in the light of Sl. No. 3 of *Karyawahi* No. 18, wherein a decision had been taken to the effect that new permits would not be issued in respect of routes passing through Patna Junction stay point in view of traffic congestion resulting from a flyover which was under construction, with the further decision that such permits which might have been issued after 11.07.2014 in respect of routes through Patna Junction stay point would be cancelled.

4. Having heard learned counsel for the parties and on consideration of the materials on record, this Court finds merit in the writ petition. It is not in dispute that the Tribunal in Transport Appeal No. 07 of 2015 had allowed the petitioner's appeal and set aside the order of the



Authority passed in its meeting held on 18.10.2014 refusing to grant permit to the petitioner for route No. 20 from Kankarbagh to Engineering College via Patna Junction stay point, with the clear observation that the petitioner was “legally entitle for the permit as prayed by him either through Patna Kirana Store or Patna Junction.” The respondents did not challenge the order of the Tribunal and allowed the same to attain finality. It is surprising that instead of giving effect to the order of the Tribunal, the fruit of the order was sought to be denied by holding a subsequent meeting on 12.05.2016 and taking a fresh decision in order not to grant permit for the route passing through Patna Junction stay point or Patna Kirana Store. The petitioner moved the Tribunal with a prayer for directing the respondents to comply with the order of the Tribunal dated 12.01.2016 passed in Transport Appeal No. 07 of 2015, but the Tribunal appears to have committed an error of record that the petitioner had not filed a revised time table as directed by this Court. Learned counsel for the respondents has not been able to show that the earlier time table (page-42) is the same as the revised time table (page-60 at Annexue-5A). The routes as well as proposed timings are clearly different and the Authority as well as the Tribunal have proceeded on the erroneous footing that the petitioner had not filed the revised time table. Moreover, the reasoned order contemplated to be passed by the Authority as directed in the order of the Tribunal dated 12.01.2016 could not be passed in a manner to defeat the benefit of the Tribunal’s order itself.

5. The impugned order dated 15.12.2016 passed by the Tribunal in Transport Appeal No. 03 of 2016 is accordingly set aside. The respondents shall give effect to the order dated 12.01.2016 passed by the



Tribunal in Transport Appeal No. 07 of 2015 in letter and spirit without delay, after considering the revised time table furnished by the petitioner along with her application dated 26.09.2014 (Annexure- 5 and 5/A).

6. The writ petition stands allowed as above.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27.11.2017
Transmission Date	N.A.

