

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2517 of 2012

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1. Bihar Motor Transport Federation, Through Its Chairman Jagannath Singh S/O Late Arvind Kumar Singh Pandey Plaza, 2nd Floor, Exhibition Road, Town And District- Patna
 2. Sudhanshu Shekhar Singh S/O Late Ramesh Prasad Singh R/O Mission Area, Saharsa, P.S. & District- Saharsa

.... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary Transport Department, Govt. Of Bihar, Patna
2. The Principal Secretary, Transport Department-Cum-State Transport Commissioner, Transport Department, Vishwasaraiya Bhawan, Bailey Road, Patna
3. Chief Electoral Officer Bihar-Cum-Secretary To The Government, Bihar, Patna
4. District Magistrate-Cum-District Election Officer, Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Randhir Kumar Singh Mr. Sanjay Kumar Pandey
For Election Commission		Mr. Siddhartha Prasad
For the State	:	Mr. Sarvesh Kumar Singh, AAG-13 Mrs. Sunita Kumari, A.C. to AAG-13

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 07-04-2017 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State and also learned counsel for the Election Commission of India.

The present writ application has been filed on behalf of the Motor Transport Corporation seeking the following reliefs:-

- a) "To enhance/fix the compensation of 31 seats to 62 seats capacity buses claiming that they come under the definition of Bus.
- b) For fixation of 50% interim compensation in case of seized vehicle deputed in another district for election duty.
- c) For fixation of liabilities upon the concerned D.M.-cum-District Election Officer who seized the vehicles to pay the compensation.
- d) To pay 90% payment at the time of release of



vehicles from election duty and rest amount be paid within one month.

- e) Rate of compensation of 31 to 62 seated vehicles in the light of rate of neighboring states.”

The case relates to the payment of compensation and/or rates payable for requisition of vehicles and their deployment during the election process in the various districts of the State of Bihar. The compensation to be paid for such requisition is detailed in the various Government Circulars in which the approved rate of the State Government has been prepared. In the present writ application, the petitioner seeks alteration/enhancement of the rates and payment of compensation for such requisition of vehicles in a proper manner within a time frame to be fixed by the State Government. Thus, the present writ application.

Learned counsel appearing on behalf of the State submits with regard to the present issue, that the Petitioner-Federation has already filed representation which is pending consideration. It is, thus, prayed by learned counsel for the State that the State Government, being in active consideration of the matter, this Court may pass any further orders, save and except that the matter in issue may be dealt with by the State Government within prescribed time limit.

Learned counsel for the Election Commission of India submits that they are bound by the Circulars of the State



Government in the matter of payment of compensation for the vehicles which have been requisitioned during the election process. Thus, whatever rates are fixed will be paid by the Commission as and when the vehicles are requisitioned.

Taking into consideration all facts and circumstances and that the representations of the petitioners have remained pending since long, this Court directs that the petitioner shall file a fresh representation giving in details his grievances which shall be duly considered by the State Transport Commissioner (Respondent No. 2), in accordance with law within a period of six weeks from the date of filing of the fresh representation.

With the aforementioned directions, the present writ application stands disposed of.

(Anjana Mishra, J)

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