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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-17066-2017 (O&M)

Date of Decision : 22.12.2017

M/S KRISHNA BUS SERVICES PVT LTD

..PETITIONER

VS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Chander Singh, Advocate for
Mr. Amit Jhanji, Advocate
for the petitioner.

Dr. Sushil Gautam, DAG, Haryana.

AJAY TEWARI, J. (oral)

On 20.12.2017, the following order was passed:

In this case the petitioner has claimed that despite the respondent No.4 having issued a time table after observing the requirement of the Act, the respondent No.5 has abruptly and completely illegally refusing to implement the same. In this context I find that a short reply has been filed by the respondent No.4 wherein he has stated that the contentions raised by the petitioner are correct, in another reply filed by another respondent a very strange stand has been taken. It has been stated that though time table has been finalized yet since the objections are pending respondent No.5 is justified in not implementing the same. Let the respondent No.5 appear in person to explain this aspect.

Adjourned to 22.12.2017.

Today Surender Singh, General Manager, Haryana Roadways Hisar-respondent No.5 is present in the Court. Today, again Deputy Advocate General has accepted that the Secretary Regional Transport Authority, Hissar had categorically averred that he had issued time table on

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27.8.2015, after associating the representatives of the respondent No.5 alongwith other concerned persons and keeping in view the survey report of the concerned route. It is further mentioned that the respondent No.5 was requested by letter Annexure P-12 as well as Annexure R-1 to implement the time table. The respondent No.5 on the other hand stated that the time table dated 27.8.2015 was not feasible.

In my opinion, this argument cannot be accepted. Under the Motor Vehicles Act, 1988 it is the Secretary, Regional Transport Authority who has to finalize the time table and any party aggrieved therefrom can approach the higher authority but cannot refuse to implement the time table because this may result into a anarchical situation on a bus stand. It cannot be left to the decision of any operator, be it a government operator or a private operator to refuse to implement an order passed under the Act.

In the circumstances, the writ petition is allowed and the respondent No.5 is directed to implement the time table forthwith.

Since the main case has been decided, the pending civil miscellaneous applications, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

DECEMBER 22, 2017
anuradha/pooja

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No