

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CWP 9491 of 2017

Date of Decision: May 16, 2017

Parveen Kumar

.....Petitioner

Vs.

State Transport Authority, Haryana and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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**Present:- Mr. Sumeet Mahajan, Sr. Advocate with
Ms. Ramneeq Kaur, Advocate for the petitioner.**

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M.M.S. BEDI, J. (ORAL)

Petitioner claims that he had filed an application in an appropriate form HR No. 22 as per Rule 56 of the Haryana Motor Vehicles Rules, 1993, and Section 66 of the Motor Vehicles Act for the service of stage carriage vide application annexure P-1 in 2014 (the date of the application has not been mentioned in annexure P-1). The said application has been dismissed on the ground that the request of the petitioner is for grant of permit under the Stage Carriage Scheme, 2013 which has been superseded by a new Stage Carriage Scheme of 2016 notified on February 17, 2017, in the meeting of Regional Transport Authority dated March 3, 2017 (signed on March 7, 2017).

Counsel for the petitioner has submitted that for the purpose of eligibility proforma of application procedure, there is no difference in the Stage Carriage Scheme of 2013 and Stage Carriage Scheme of 2016. He has submitted that the application submitted in 2014 could be considered as an application under the Stage Carriage Scheme of 2016 as this Court had issued direction on January 9, 2017 for considering the application of the petitioner.

I have perused the order annexure P-5 which shows that the State counsel had informed the Court that the application submitted by the petitioner had not been received by the Transport Commissioner, Haryana, however, an assurance had been given that the claim put-forth in annexures P-2 and P-3 in the said writ petition (CWP No. 264 of 2014) could be considered in case the said request is again made by the petitioner. A direction was given that the writ petition filed by the petitioner would be considered as a representation of the petitioner and the Transport Commissioner, Haryana, would decide the application (annexure P-2) and representation (annexure P-3) which was attached with the earlier writ petition within a period of two months by passing a speaking order. The Regional Transport Authority under the Chairmanship of Dr. Suprabha Dahiya, IAS has passed a speaking order taking into consideration the directions passed by this Court as well as the directions passed in other writ petition mentioned in the order and has arrived at a conclusion that the petitioner is required to apply again for stage carriage permit under Stage Carriage Scheme of 2016.

Notice of motion to Advocate General, Haryana.

On the asking of the Court, Mr. Gaurav Jindal, Addl.A.G., Haryana, accepts notice. Copy given.

The order could have been challenged by the petitioner under Section 89 of the Motor Vehicles Act but since the order has already been passed taking into consideration various judgments passed by this Court under an impression that petitioner has to apply again under the new Stage Carriage Scheme of 2016, I deem it appropriate to dispose of this petition by setting aside the order dated March 7, 2017 communicated to the petitioner with an observation that the right of the petitioner to apply under Stage Carriage Scheme of 2016 has not been jeopardized and stands safeguarded. Even otherwise, the State counsel while appearing before this Court on January 9, 2017 had assured that the claim of the petitioner would be considered in case a request is again made by the petitioner.

Without entering into the further controversy, let the petitioner apply on appropriate form under the Stage Carriage Scheme of 2016 within a period of 15 days. In case any application is filed in proper format, it is directed that it will be considered by the State Transport Authority, Haryana in accordance with law within a period of two months thereafter.

Disposed of with the above directions.

May 16, 2017
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether reportable:	Yes/No.