

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.11819 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking a writ in the nature of mandamus declaring the Proceeding No.P9/359(01)/2014-OPD(P), dated 19.01.2016, issued by the 2nd respondent – Chief Traffic Manager, Telangana State Road Transport Corporation (for short, 'TSRTC'), Bus Bhavan, Musheerabad, Hyderabad, insofar as it related to the direction to the 3rd respondent – Regional Manager, TSRTC, Hyderabad Region, MGBS, Hyderabad, for termination of the agreement, dated 04.03.2016, entered into with the petitioner by invoking clause 10(iv) of the agreement and the consequential proceedings in No.E3/359(3266)/2016-HR, dated 24.03.2016, as illegal, arbitrary and against the principles of natural justice.

2. I have heard the submissions of Sri *D.V.Chalapathi Rao*, learned counsel appearing for the petitioner, and of Sri *N.Vasudeva Reddy*, learned Standing Counsel appearing the respondents. I have perused the material record.

3. As per the pleadings and submissions made before this Court, the facts and necessary aspects, which are relevant for consideration, in brief, are as follows: 'The petitioner is the owner of a bus bearing No.AP 29 TA 3266. He has been allotted Route No.251N to operate on the Route - Afzal Gunj to Nanajipura for a period of eight (08) years from 25.07.2008 to 10.09.2016. Such allotment was made pursuant to a tender notification issued in the year 2008. On completion of eight (08) years, extension of two (02)

years was given i.e., for 9th and 10th years with 298 kilometers. Thereafter, when the present impugned proceedings and consequential proceedings are issued, the present writ petition is filed. This Court, on 11.04.2016, while admitting the writ petition granted the following interim order in W.P.M.P.No.14856 of 2016:

“There shall be interim stay as prayed for”.

4. At the hearing, it is fairly stated that by a subsequent Office order of the Regional Manager, TSRTC, Hyderabad Region, Hyderabad, 3rd respondent herein, the petitioner was permitted to operate Route No.453 and ply the bus on Route - Afzal Gunj/Shamshabad to Mallapur Thand via Rallaguda, Narkoda, Nanajipur with base of Night out at Mallapur Thanda for a further period of two (02) years, i.e., from 15.03.2017 to 14.03.2019 with a hire rate @ Rs.19.32 Ps. per kilometer, subject to revision of hire rates by the Corporate office from time to time and that in that view of the matter, the petitioner is entitled to operate in the afore-stated route as per the afore-stated order till 14.03.2019 and that, therefore, no cause survives for adjudication and the writ petition can be disposed of.

5. However, learned counsel for the petitioner submits that the petitioner is being discriminated from time to time and that the other owners of buses, who are similarly placed, are being given extended contracts and that at the end of the 10th year, the petitioner is prepared to offer a new bus for allotment of a route to the petitioner and that, therefore, the respondents may be directed to consider the said request of the petitioner at the end of the 10th

year as is being considered in case of other bus owners, who are similarly placed as that of the petitioner.

6. Learned Standing Counsel submits that the future issue at the end of the 10th year is not the subject matter of the present writ petition and that the petitioner is not entitled to seek any relief in that regard in this writ petition.

7. Recording the submissions and taking note of the order, dated 07.04.2017, of the Regional Manager, TSRTC, Hyderabad Region, Hyderabad, 3rd respondent herein, which was referred to supra, the Writ Petition is disposed of, as no further cause survives for adjudication. However, liberty is reserved to the petitioner to submit an appropriate representation as desired at the end of the 10th year for the desired purpose. In the event the petitioner submits such a representation, the authority concerned of the respondents shall consider and dispose of the same, in strict accordance with procedure established by law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in these Writ Petitions shall stand closed.

M.SEETHARAMA MURTI, J

Date: 14th June, 2018

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