

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.13125 of 2018 (O&M)
Date of decision: 29.5.2018

Hardeep Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CWP No.13173 of 2018

Rajesh Kumar

..Petitioner

Vs.

State of Haryana and others

..Respondents

CWP No.13217 of 2018

Suresh Kumar

..Petitioner

Vs.

State of Haryana and others

..Respondents

CWP No.13282 of 2018

Pawan Kumar

..Petitioner

Vs.

State of Haryana and others

..Respondents

CWP No.13921 of 2018

Krishan Lal Punia

..Petitioner

Vs.

State of Haryana and others

..Respondents

CWP No.13125 of 2018 -2-

Jitender

..Petitioner

Vs.

State of Haryana and others

..Respondents

Pardeep Kumar

..Petitioner

Vs.

State of Haryana and others

..Respondents

Ram Chander

..Petitioner

Vs.

State of Haryana and others

..Respondents

Sunil Punia

..Petitioner

Vs.

State of Haryana and others

..Respondents

Sandeep

..Petitioner

Vs.

State of Haryana and others

..Respondents

Sanjeev Kumar

..Petitioner

Vs.

State of Haryana and others

..Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

**Present: Mr.Ashok Aggarwal, Sr.Advocate with
Mr.Amit Jhanji, Advocate for the petitioner.**

Mr. Vishal Garg, Addl.AG Haryana.

Rakesh Kumar Jain, J.(Oral)

This order shall dispose of CWP Nos.13125, 13173, 13217, 13282, 13921, 13929, 13962, 13968, 13970, 13979 and 13967 of 2018 as the issue involved in these cases is common. However, the facts are being extracted from CWP No.13125 of 2018.

At the threshold, counsel for the petitioner has prayed that application bearing CM No.8278 of 2018 which is listed today, in which prayer has been made for placing on record documents Annexures P-21 to P-24, may be allowed.

Notice in the said application.

Mr.Vishal Garg, Addl.AG Haryana has not raised any objection to the application being allowed as prayed for.

Accordingly, the application is allowed.

Main Case

Reverting back to the main case, learned counsel for the State has submitted that the State Transport Commissioner has erred in delegating

passing the order though there was a specific direction of this Court to him to pass the order in accordance with law. Consequently, he has submitted that the orders passed by the Secretary, Regional Transport Authority may be set aside and the matter may be remanded back to the State Transport Commissioner to decide the same in accordance with law.

Counsel for the petitioner is satisfied with the statement made by the respondents but it is submitted that the direction may be issued to the State Transport Commissioner to pass the order afresh without being influenced by the order passed by the Secretary, Regional Transport Authority also and shall take into account the documents, which are placed on record as Annexures P-21 to P-24.

Counsel for the State has agreed to it.

In view of the above, all these petitions are hereby allowed and the orders passed by the Secretary Regional Transport Authority in all these petitions are set aside and the matter is remanded back to the State Transport Commissioner to decide the lis again, after affording an opportunity of hearing to the parties, in accordance with law, without being influenced by the order passed by the Regional Transport Authority, while taking into consideration the documents P21 to P24 placed on record by CM No.8278 of 2018. Mr.Ashok Aggarwal, Sr.counsel has further submitted that since the facts are being extracted from CWP No.13125 of 2018 in which CM No.8278 of 2018 has been filed alongwith documents Ex.P21 to Ex.P24 therefore, the same documents placed on record in other cases bearing different Annexures be also considered.

Be that as it may, as I have already observed that these

documents would be considered by the State Transport Commissioner at the

time of passing the order. It is needless to mention that the entire exercise shall be completed by the State Transport Commissioner within a period of four weeks from the date of receipt of certified copy of this order.

May 29, 2018
Meenu

(Rakesh Kumar Jain)
Judge

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