

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.2037 of 2016 (O&M)
in CWP No. 17276 of 2016
Date of decision: 07.03.2018

Bhupinder Singh

.... Appellant

Versus

The Presiding Officer and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL.
HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. Raj Kaushik, Advocate for the appellant.

B.S. Walia, J.

[1] Challenge in this intra-court appeal is to the order of the learned Writ Court dated 27.08.2016 dismissing the challenge to order dated 06.06.2016 (Annexure P-4) whereby the State Transport Appellant Tribunal, Punjab, Chandigarh (for short – ‘the Tribunal’) dismissed the appeal under Section 89 of the Motor Vehicles Act, 1988 (for short - ‘the Act’) against order dated 22.04.2014 passed by the Secretary, Regional Transport Authority, Patiala cancelling the permit granted to the appellant - Bhupinder Singh for the Morinda-Bela route.

[2] The order of the learned Writ Court has been challenged *inter alia* on the ground that order dated 22.04.2014 was passed in violation of the principles of natural justice as no notice was served on the appellant before passing the impugned order, besides, under Section 86 (5) of the Act, instead

of cancelling or suspending the permit, the Transport Authority could have imposed penalty.

[3] The learned Writ Court dismissed the writ petition by taking into account the fact that despite show cause notices dated 27.09.2013, 13.11.2013 and 06.02.2014 having been issued to the appellant and publication of notices in the Motor Transport Gazette Weekly, Chandigarh as well as Transport Times, Mohali on 01.04.2014 for the meeting scheduled for 22.04.2014 which eventually led to passing of the impugned order, no explanation was submitted by the appellant-permit holder nor did he put in appearance before the RTA leading to the passing of the impugned order. Besides, this appeal was filed by the appellant against the impugned order dated 22.04.2014 after a delay of 5½ months.

[4] We have considered the submissions of learned counsel for the appellant and are of the view that the order passed by the learned Writ Court does not warrant any interference since the plea that there was non-compliance with the principles of natural justice, does not hold good in view of number of notices having been issued to the appellant, besides, publication of the notice in the Motor Transport Gazette Weekly, Chandigarh and Transport Times, Mohali on 01.04.2014 for the meeting scheduled for 22.04.2014 which eventually led to passing of the impugned order but despite numerous notices as well as publications as referred to above, neither did the appellant put in appearance before the authority nor filed any response to the show cause notices. Besides, the appellant filed appeal against the order dated 22.04.2014, after a delay of 5½ months.

[5] The impugned order dated 22.04.2014 was passed on account of the appellant not providing bus service on the route allotted to him

leading to the difficulties to the inhabitants of three villages on the route from Morinda-Bela.

[6] Non-operation of the bus service on the said route resulting in difficulties to the inhabitants of the three villages on the said route stands established from the fact that had the appellant been operating the bus service on the route in question, then he would not have waited for 5 ½ months to file appeal against the order cancelling the route permit. In the circumstances, cancellation of the route permit was the appropriate action by the competent authority.

[7] Accordingly, finding no merit in the appeal, the same is dismissed.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

07.03.2018
amit

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