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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 420/2019

Date of Decision: 13th August, 2019.

SANTOSH KUMAR

..... Petitioner

Through: Mr.Jose Abraham, Adv. with
Mr.B.Mathews, Adv.

Versus

GOVT. OF NCT OF DELHI AND ANR.

..... Respondents

Through: Mr.Sanjoy Ghose, ASC with
Mr.Naman Jain, Mr.Rishab Jetly, Adv. for R-1.
Mr.Vikran N.Goyal, Adv. with Mr.Suraj Kumar,
Adv. for R-2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

: **D. N. PATEL, Chief Justice (Oral)**

1. This public interest litigation has been preferred with the following prayers:-

- “1. Issue order and/or directions in nature of mandamus or any other appropriate writ to the respondents to frame binding Rules or guidelines with regard to issuance of tickets by conductors to the passengers boarding DTC and cluster buses in Delhi to secure their safety and comfort.
2. Alternatively, in case of any existing departmental order or Rule/s or guideline, effectively implement the same in order to secure the safety and comfort of the passengers boarding DTC and Cluster buses in Delhi.”

2. Having heard the learned counsel for the parties and looking to the facts and circumstances of the case, it appears that the petitioner is in search of directions of this Court to the respondents to ensure that every bus conductor of Delhi Transport Corporation and cluster buses should follow the practice of moving from front to rear seat of the bus for issuing tickets, therefore, facilitating the passengers boarding the bus as well as making it sure that no passenger is left without ticket.

3. Learned counsel appearing for respondent No.1 has placed before us a short affidavit on behalf of GNCTD, the same is taken on record. A copy of the same has been given to the counsel for the petitioner. Paragraphs 5 and 6 of the said short affidavit states as under:-

“5. That the answering Respondent has entered into Fare Collection Services Agreements (‘FCS Agreement’) with certain Fare Collection and related services (‘FCS’) Agencies, under which, the primary work of the FCS Agencies would be to depute suitable personnel to operate hand held electronic ticketing machines (ETMs), issue tickets and collect the prescribed fare from the passengers of the buses operating under the Project.

6. That Para 19(d) of the FCS Agreement requires the Fare Collection Personnel (‘FCP’) to remain mobile inside the bus and approach the passengers to ensure the issuance of tickets to all the passengers. ”

4. In view of the aforesaid short affidavit of respondent No.1 it appears that in pursuance of Fair Collection Agreement (‘FCS Agreement’) dated 23rd April, 2018 with private bus operators under the Cluster Scheme floated by the respondents, there is a clause 19(d) which requires the Fare Collection Personnel (‘FCP’) to remain mobile inside the bus and approach

the passengers for issuing tickets and collecting fare.

5. In view of this short affidavit of respondent No.1, we see no reason to entertain this writ petition because the issue has already been taken care of by entering into an agreement and putting Clause 19(d) in the same. If there is any violation by any individual, a writ petition or any other proceedings can be initiated in accordance with law before the appropriate forum.

6. Even otherwise, how to issue tickets depends on the number of passengers boarding the bus and there cannot be any hard and fast rule to be laid down by this Court that every conductor must move from front to rear and rear to front seat for issuing tickets.

7. In view of the above, we see no reason to give any order, direction or much less a writ for establishing a methodology of issuing tickets by Bus Conductors.

8. The writ petition is accordingly dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J

AUGUST 13, 2019

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