IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.418 of 2020

Decided on: 31st January, 2020

Bhagwati Parsad Verma **.....Petitioner**

Versus

State of H.P. and another **.....Respondents**

Coram

The Hon'ble Ms. Justice Jyotsna Rewal Dua, Vacation Judge

Whether approved for reporting?[1]

For the Petitioner: Mr. Virender Singh Chauhan, Senior Advocate with Mr. Jeevesh Sharma, Advocate.

For the Respondents: Mr. Ranjan Sharma, Mr. Sudhir Bhatnagar and Mr. P.K. Bhatti, Additional Advocates General, with Ms. Svaneeel Jaswal and Ms. Divya Sood, Deputy Advocates General.

Jyotsna Rewal Dua, Vacation Judge (Oral)

Notice in this matter was issued on 21.01.2020. In the nature of the order being passed hereinafter, replies of respondents are not necessary. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal at this stage.

2. This writ petition has been filed with following prayers:-

---

1 Whether reporters of print and electronic media may be allowed to see the order?

"(a) To issue writ of certiorari or direction in nature thereof to respondent No.2 to issue necessary directions to all RTOs in the State of H.P. to renew their licenses strictly as per provisions of scheme.

(b) To issue writ of mandamus directing the respondent No.2 to exercise the jurisdiction in fair and honest manner and renew the licences as per scheme by issuing necessary directions."

3. The case as set up in the writ petition and canvassed by the learned Senior Counsel for the petitioner is that respondents, through Department of Transport, vide notification dated 01.01.2014 (Annexure P-1) issued in exercise of powers under Article 162 of the Constitution of India floated 'Himachal Pradesh Transport Service Providers Scheme, 2013' (in short '2013 Scheme'), whereunder the transport services were to be provided through Transport Service Providers, subject to payment of remuneration as detailed therein; Transport Service Provider (TSP) was to obtain licence from the concerned Regional Transport Officer, subject to meeting eligibility criteria as laid down in the scheme; the Service Providers can provide the services

only after the licence is granted to them under the scheme; in terms of Clause 9 of the 2013 Scheme, validity of the licence was till 31st December of the fourth year from the year in which the same was issued and was renewable on payment of prescribed fee detailed in Schedule-II of the 2013 Scheme; it is further submitted that the petitioner alongwith other persons, eligible under the scheme, applied for selection as Transport Service Provider and were eventually selected as such. They were granted TSP licences in the year 2015, which were to expire on 31.12.2019.

Petitioner alongwith other similar situated started providing transport services and earned their livelihood as such. It is contended by the learned Senior Counsel for the petitioner that well before the date of expiry of the aforesaid licenses, the petitioner alongwith other persons had applied for renewal of the licences before the concerned Regional Transport Officers in accordance with the scheme. However, despite repeated requests, neither the licenses have been renewed nor their applications have been decided nor the renewal of licences has been refused. Due to want of renewal of licence, the petitioner and others similarly situated have been rendered jobless for the

reasons that they are not being permitted to provide transport servics. Against such omission on the part of the concerned Regional Transport Officers, the petitioner has also preferred an appeal under Clause 12 of the 2013 Scheme before respondent No.2, exercising the power of Commissioner under the Scheme.

4. The grievance of the petitioner as pointed out in the writ petition is that respondents should have decided applications of the petitioner for renewal of their licence promptly and should not sit over the same for an indefinite period. Because of the omission on the part of the respondents in deciding the application for renewal of the licences under 2013 scheme, the petitioner is unable to offer transport services and is suffering financially and resultantly is not in a position to earn his livelihood.

5. In case the petitioner had submitted application for renewal of licence within the period stipulated in the scheme to the concerned Regional Transport Officer, then it is expected from the concerned authorities to decide the same and not to sit over the same for an indefinite period. In view of the aforementioned pleadings, facts and circumstances, this writ petition is disposed of by directing

respondent No.2 to ensure that the concerned Regional Transport Officers decide all the applications for renewal of licences under "Himachal Pradesh Transport Service Providers Scheme, 2013" pending before them, in accordance with 2013 Scheme, within a period of two weeks from today. Liberty reserved to the petitioner to seek appropriate remedy in accordance with law, in case need so arises. It is clarified that this Court has not expressed any opinion on merits of the matter. All rights and contention of the parties are left open.

Pending miscellaneous application(s), if any, shall also stand disposed of.

Copy ***dasti.***

(Jyotsna Rewal Dua)
Vacation Judge

January 31, 2020
Pritam/Mukesh