

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-19947 of 2016

Date of decision: 03.02.2020

Ahluwalia Transport Service Regd. Barnala

.... Petitioner

versus

The State Transport Commissioner, Punjab

... Respondent

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.S. Bawa, Advocate
for the petitioner.

Mr. Mehardeep Singh, Addl. A.G. Punjab.

HARSIMRAN SINGH SETHI, J.

In the present writ petition, the grievance which is being raised by the petitioner is that he is entitled for the release of permit, keeping in view the order dated 23.08.2012 (Annexure P/1) passed by State Transport Appellate Tribunal. Learned counsel for the petitioner further argues that the petitioner was allowed the benefit of permit by the State Transport Appellate Tribunal subject to certain terms and conditions. Relevant portion of the order dated 23.08.2012 is as under:-

“In the light of the discussion made above, appeal No.170/2009, 172/2009, 266/2010 and 143/2012 stand dismissed and grant dated 6.9.2004 stand confirmed. At the same time appeal NO.4/2001 titled as Ahluwalia Transport Service Regd. Barnala Vs. S.T.C. And others stand allowed and order dated 14.12.2010 stand set aside. Direction is issued to the STC for issuing permit to the appellant Ahluwalia Transport Service Regd. Barnala by correcting the record but subject to usual terms and conditions, within 60 days from the receipt of copy of this order. Record of the RTA concerned be sent back immediately. Appeal file be consigned to the record room.”

Learned counsel for the petitioner argues that keeping in view the various litigations, which were pending before this Court, order dated 23.08.2012 passed by the State Transport Appellate Tribunal was not implemented. After the litigation had come to an end and there is no impediment, still the benefit of permit has not been extended to the petitioner. Present writ petition has been filed claiming the release of the permit as decided by the State Appellate Transport Tribunal.

Upon notice of motion, the respondents have filed reply and in the reply, the respondent-State does not dispute the directions given by State Transport Appellate Tribunal vide order dated 23.08.2012 for the grant of permit to the petitioner but a plea has been taken that as litigation relating to the grant of permits was pending before this Court and during the said litigation, keeping in view the various interim orders passed, the department was restrained from issuing fresh permits. It has been further stated that in the reply that as and when the litigation will come to an end, the claim of the petitioner in respect of the directions given by State Transport Appellate Tribunal vide order dated 23.08.2012, will be considered.

Learned counsel for the respondents very fairly states that the litigation due to which the directions given by State Transport Appellate Tribunal could not be implemented, has already attained finality and now there is no impediment for considering the claim of the petitioner for grant of permit, keeping in view the directions given by State Transport Appellate Tribunal vide order dated 23.08.2012 by passing an appropriate order keeping in view the facts and circumstances of the case, which order will be passed within a period of three months from the date of receipt of certified

copy of this order.

Learned counsel for the petitioner states that keeping in view the undertaking given by learned counsel for the respondents, he does not wish to press the present petition any further and the same may be disposed of as having been not pressed.

Ordered accordingly. It is made clear that respondents will be bound by their undertaking recorded above.

03.02.2020.
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(HARSIMRAN SINGH SETHI)
JUDGE

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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |