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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 11833 of 2022

Digha United Bus Operator
Association & Anr.

-vs.-

The State of West Bengal & Ors.

Mr. N.I. Khan,
Mr. C. Debnath

...for the petitioners

Mr. Amal Kumar Sen,
Ms. Ashima Das (Sil)

...for the State

Mr. Sankar Nath Mukherjee,
Mr. Niraj Gupta,
Mr. Priyabrata Saha,
Mr. Aditya Biswas

...for the respondent nos. 9 and 10

Learned counsel appearing for the petitioners contends that the rotational time-table, annexed at page 37 of the writ petition, was sought to be displaced by the State Transport Authority, West Bengal, by virtue of the impugned order dated January 07, 2020. By the said order, the State Transport Authority, West Bengal, ordered that the concerned Regional Transport Authorities of Purba Medinipur and Paschim Medinipur shall issue individual time-table against each permit as per "Section" 118 and 119 of the West Bengal Motor Vehicles Rules, 1989. It is obvious that the term "Section", as used in the said order, refers to the relevant Rules.

Learned counsel appearing for the respondent-authorities, in his usual fairness, submits that the discretion in that regard lay with the Regional Transport Authorities. It is, however, contended that the individual time-tables need not necessarily be in contravention of the collective rotational time-table since the rotation time-table, annexed at page 37 of the writ petition, refers to the registration numbers of individual vehicles together.

Learned counsel appearing for the parties refer to Rule 118 of the West Bengal Motor Vehicles Rules, 1989 and Sections 72 of the Motor Vehicles Act, 1988 for substantiating their respective contentions.

It is seen from Section 72 of the 1988 Act that permits and time-tables are issued individually in respect of particular vehicles, upon such vehicle plying with the norms stipulated in the Law and Rules.

Rule 118 of the 1989 Rules, which imposes limitation of time on plying of stage carriage, stipulates that, in granting or renewing a permit, the Transport Authority concerned, subject to the provisions of subsection (3) of Section 80 of the 1988 Act, may attach a condition to the permit at any time during the validity of the permit that the stage carriage or stage carriages shall ply on a portion of the route for which the permit has been granted in accordance with the time-table approved by the Transport Authority and on the other portion only during such period as may be specified and according to such

time-table as may be approved by the Transport Authority for such portion.

In the present case, the rotational time-table published by the Regional Transport Authority, Tamluk, Purba Medinipur, at the behest of the Digha United Bus Operators' Association, is not necessarily in derogation of individual time-tables being issued. In fact, the said rotational time-table specifically refers to the bus numbers which are to ply in terms of the collective time-table.

It is obvious that any individual time-table has to adhere to the time-tables issued respectively to the other operators on the route; otherwise there will be a clash between the time-tables, leading to utter chaos and lack of coordination.

Hence, inevitably, the individual permits and time-tables are to adhere to the collective time-table, since a collective time-table, for instance the rotational time-table annexed at page 37 of the writ petition, is not in derogation of the individual time-tables.

Be that as it may, irrespective of the right of the Regional Transport Authority to publish any rotational time-table, the same cannot be in derogation of individual time-tables issued to each of the operators on the respective routes. Hence, I do not find any illegality or irregularity in the order dated January 07, 2020, impugned in the present writ petition, whereby the State Transport Authority, West Bengal, gave a general guidance

to the Regional Transport Authorities, Purba Medinipur and Paschim Medinipur to issue individual time-tables against each permit as per Rules 118 and 119 of the West Bengal Motor Vehicles Rules, 1989.

It may also to be noted that in the event any association or collective body is permitted to exercise the authority of the operators and permits are started being issued in favour of collective bodies, there is always the scope of certain individual operators, who fall out with the association, either politically or otherwise, are kept outside the purview of such time-tables. In order to obviate such a situation, the impugned order dated January 07, 2020 is affirmed.

W.P.A. No. 11833 of 2022 is disposed of accordingly.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)