

20.09.2023
rc/ct.no.10
Item No.319

WPA No. 14813 of 2023
with
CAN No. 1 of 2023
Bardhaman District Bus Association & Anr.
Versus
The State of West Bengal & Ors.

Mr. Arabinda Chatterjee
Mr. A. Sengupta
Ms. Aayushi Mukherjee ...for the petitioners

Mr. Pantu Deb Roy
Mr. S. Guha Biswas ...for the State

Mr. Allen Felx ...for the applicant/intervener

Re : CAN No. 1 of 2023

The intervenor does not intend to proceed with the application.

In view of the same the application being CAN No. 1 of 2023 is dismissed for non-prosecution.

Re : WPA No. 14813 of 2023

The resolution of the Regional Transport Authority Board (hereinafter referred to as the “RTA Board”) taken on December 03, 2022 is assailed by the writ petitioners who are the Bardhaman District Bus Association and the General Secretary of the association respectively.

Learned counsel for the petitioners submits that a resolution was taken by the RTA Board, Bardhaman on August 20, 2004 for constitution of a time table sub-committee comprising several members, who would recommend issuance/approval of time table and also modification of the same, if required, by the Secretary,

RTA. Upon bifurcation of the District of Bardhaman into Purba Bardhaman and Paschim Bardhaman, the sub-committee was not re-constituted by the authority. Pursuant to an earlier order of this Court the petitioners submitted a representation before the concerned authority seeking re-construction of the time table sub-committee. The representation was turned down by the authority by the resolution impugned.

Learned counsel for the respondents submits that in terms of Rule 119 of the West Bengal Motor Vehicles Rules, 1989, disputes in respect of time tables for stage carriage of a route or area is decided by the transport authority granting the permit or the officer authorised under the rule. In every case, a time table is issued subject to consideration of objections, if any, submitted by co-operators in the same route. Formation or re-constitution of a time table sub-committee is unnecessary and is also not permitted in the Act or the Rules thereof.

It shall be useful to reproduce the resolution taken by the RTA Board in its meeting dated December 03, 2022:

“In pursuance to the order of the Hon’ble High Court, Calcutta passed in WPA 15062 of 2022, the Regional Transport Authority, Purba Bardhaman had considered the representation dated April 21, 2022 for continuation of functioning of the Sub-Committee pursuant to the resolution dated August 20, 2004 after giving the opportunity of hearing to all the

petitioners and all other interested parties. After careful consideration, it is found that presently, the RTA, Purba Bardhaman allots the time table to all permit holders after receiving the application and objections, if any, from any stakeholder and allots the scheduled time table to the specific permit holder after establishment of clash-free time table. As per the Rule 119 of the W.B.Motor Vehicles Rules, 1989. “In all cases of disputes in respect of the time table for stage carriage on a route or area, the decision of the Transport Authority granting the permit or the officer authorised under the rule shall be final”. Hence, all the members of Regional Transport Authority, Purba Bardhaman unanimously decided not to adopt the resolution dated August 20, 2004 in connection with formation of time-table sub-committee and will continue the present procedure for allotment of time table to the permit holders after establishment of clash-free time table.”

The resolution clearly indicates that the RTA, Purba Bardhaman allots time table to all permit holders after receiving the applications and considering objections, if any, from the stake holders, after establishment of a clash free time table. The authority unanimously decided not to adopt the resolution dated August 20, 2004.

The resolution impugned is, in substance, a policy decision of the RTA Board which cannot be interfered with by a writ court in exercising jurisdiction under Article 226 of the Constitution of India save and except under exceptional circumstances of gross illegality or irregularity in the policy. No such case appears to have been made out by the petitioners herein. In view of the admitted fact that the provisional time tables are initially issued by the authority which are subsequently finalised upon consideration of objections, if any, raised by other operators connected thereto, the association has no role to play in recommending issuance or approval of the time table which is the exclusive jurisdiction of the Secretary, RTA.

The resolution impugned does not suffer from any illegality or irregularity which calls for interference by this Court.

In view of the above, this Court is inclined to hold that the writ petition assailing the said resolution is devoid of any merit and is liable to be dismissed.

Accordingly, WPA No. 14813 of 2023 is dismissed.

There shall be, however, no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)