

CWP-19445-2011(O&M)

1

2023:PHHC:147807

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-19445-2011(O&M)

Date of decision : 21.11.2023

Pepsu Road Transport Corporation Ltd. Patiala

... Petitioner

Versus

Gurtar Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Anupam Singla, Advocate
for the petitioner.

Mr.Kunal Muthreja, AAG, Punjab
for respondents no.2 and 3.

VIKAS BAHL, J.(ORAL)

CM-7618-CWP-2015

1. This is an application under Article 226 of the Constitution of India to recall the order dated 18.05.2012 passed in CWP-19445-2011 by the coordinate Bench of this Court.

2. Learned counsel for the applicant-petitioner has submitted that in the present petition, challenge was to the order dated 11.08.2006 (Annexure P-1) as well as to the order passed by the State Transport Appellate Tribunal, Punjab dated 05.03.2010 (Annexure P-2) and the said petition vide order dated 18.05.2012 (Annexure A-2) was dismissed as having been rendered infructuous. It is submitted that thereafter the present application was filed and on 18.04.2023, coordinate Bench of this Court was pleased to pass the following order:-

“It appears from the record that bunch of 30 cases with lead case

CWP No.2088 of 2009 titled 'Pepsu Road Transport Corporation vs. The

State Transport Appellate Tribunal and others has already been disposed of vide order dated 23.05.2022 in view of the order passed by the Division Bench in CWP No.15786 of 1999 titled *M/s Vijyant Travels and another vs. State of Punjab* decided on 20.12.2012. The aforesaid bunch was also disposed of with a liberty to the petitioners therein to approach the Transport Department in case they have any grievance with regard to any operation of the bus by the operators contrary to the judgment rendered in *M/s Vijyant Travels case(supra)*. While relying upon the aforesaid order dated 23.05.2022, CWP No.10934 of 2011 has also been disposed of vide order of even date.

In the present CM No.7618-CWP of 2015, notice has not been issued to non-applicants/respondents.

Let notice in the application be issued for 24.05.2023.

18.04.2023

(RAJ MOHAN SINGH)
JUDGE”

3. Learned counsel for the applicant-petitioner has submitted that, as has been done in similar cases, the present application also be disposed of by recalling the order and granting liberty to the petitioner to withdraw the present petition with liberty to approach the concerned Transport Department in case any grievances with regard to the operation of buses by the operators is being done contrary to the judgment passed in **CWP-15786-1999** titled as **“M/s Vijayant Travels and another vs. State of Punjab”**, decided on 20.12.2012.

4. Notice was issued in the application.

5. None has appeared on behalf of respondent no.1.

6. Learned State counsel has submitted that he has no objection to the said course of action.

7. Keeping in view the above said facts and circumstances, CM-7618-CWP-2015 is allowed and the order dated 18.05.2012 is recalled and the main case is taken on Board for hearing today itself.

CWP-19445-2011

1. In view of the prayer made by the petitioner, the petitioner is

permitted to withdraw the present petition with liberty to approach the concerned Transport Department in case the petitioner has any grievances with regard to the operation of buses by the operators being in contravention of the judgment rendered in “*M/s Vijayant Travels’s* case (supra).

(VIKAS BAHL)
JUDGE

November 21, 2023.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No