

May 14, 2024
(1033)_{ARDR}

WPA 8916 of 2015

M/s. Biswakarma Travels & ors.
Vs.
The State of West Bengal & ors.

Adv. Jyoti Prakash Chatterjee,
...for the petitioners.
Adv. Ayan Banerjee,
Adv. Debasree Dhamali,
...for the SBSTC.
Adv. Pantu Deb Roy,
Adv. Jaladhi Das,
...for the UOI.

Heard learned counsels for the parties.

The petitioners were appointed as Ticket Selling Agents by the South Bengal Transport Authority, being the 2nd and 3rd respondents herein in different routes by several orders dated 4th September, 2014, 25th April, 2014, 13th May, 2014 and 9th October, 2014. The service of the petitioners was cancelled by the authority without granting any opportunity of hearing to the petitioners. The petitioners are aggrieved by the said decision of the authority and submit that an opportunity of hearing ought to have been granted to them prior to termination of the contract, more so, since the petitioners have deposited security deposit before the authority in this regard.

Learned counsel for the 2nd and 3rd respondents submits that the concept of ticket selling by agents has been given a go-bye by a policy decision taken by the authority and e-tickets are issued to the passengers.

Learned counsel for the respondents submits that the writ petition has become redundant in view of the policy decision of the respondents and there is no scope for reappointment of the petitioners as ticket selling agents.

In reply, learned counsel for the petitioners submits that the authority be directed to refund the security deposit and other charges deposited by the petitioners with the authority at the time of inception of the contract.

It is not in dispute that the operation was for a period of three months purely on trial basis and no contract was executed by the petitioners with the corporation as required by the orders of the authority. Since there is no provision for ticket selling by agents at present, the prayers in the writ petition have become redundant.

However, the 2nd and 3rd respondents are directed to consider refund of the security deposit made by the petitioners with the authority within one month from the date of communication of this order upon affording reasonable opportunity of hearing to the petitioners, in accordance with law.

With the aforesaid observations and directions, the writ petition is disposed of.

There shall however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)