

CWP-24021-2023 & connected cases -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202 (27 cases) +
283 (02 cases) & 287

CWP-24021-2023 (O&M)
Date of Decision :24.02.2025

Lakhwinder Singh Brar

...Petitioners

Versus

State of Punjab & others

...Respondents

CWP-5943-2024

Gurvinder Singh

...Petitioner

Versus

State Transport Appellate Tribunal, Punjab
& others

...Respondents

CWP-3674-2024

Harnoor Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CWP-24697-2024

Amarjit Kaur

...Petitioner

Versus

State Transport Appellate Tribunal, Punjab
& others

...Respondents

CWP-24021-2023 & connected cases -2-

CWP-24386-2023 (O&M)

Guru Kirpa Roadways

...Petitioner

Versus

**State Transport Appellate Tribunal, Punjab
& others**

...Respondents

CWP-25812-2023

Jhunir Bus Service Regd. Mansa

...Petitioner

Versus

**Presiding Officer, State Transport Appellate Tribunal,
Punjab & others**

...Respondents

CWP-26282-2023

Ravinder Kaur

...Petitioner

Versus

State of Punjab & others

...Respondents

CWP-28546-2023

M/s Sapolian Logistics Regd.

...Petitioner

Versus

**State Transport Appellate Tribunal, Punjab
& others**

...Respondents

CWP-24021-2023 & connected cases -3-

CWP-1038-2024

New Dhillon Bus Transport Company **...Petitioner**

Versus

**State Transport Appellate Tribunal, Punjab
& others** **...Respondents**

CWP-2510-2024

The Roop Transport Company **...Petitioner**

Versus

**State Transport Appellate Tribunal, Punjab
& others** **...Respondents**

CWP-6585-2024

Jagsir Singh **...Petitioner**

Versus

**State Transport Appellate Tribunal, Punjab
& others** **...Respondents**

CWP-26626-2023

The New Piya Bus Service Pvt. Ltd **...Petitioner**

Versus

State of Punjab & others **...Respondents**

CWP-8502-2024

JagtarSingh @ Jagtar Singh Walia **...Petitioner**

CWP-24021-2023 & connected cases -4-

Versus

**State Transport Appellate Tribunal, Punjab
& others**

...Respondents

CWP-9235-2024

Paramvir Singh

...Petitioner

Versus

**Ld. State Transport Appellate Tribunal, Punjab
& others**

...Respondents

CWP-9784-2024

Sukhman Kaur

...Petitioner

Versus

**Ld. State Transport Appellate Tribunal, Punjab
& others**

...Respondents

CWP-10808-2024

Sanveer Singh

...Petitioner

Versus

**State Transport Appellate Tribunal, Punjab
& others**

...Respondents

CWP-27311-2023

Jaidev

...Petitioner

CWP-24021-2023 & connected cases -5-

Versus

**State Transport Appellate Tribunal, Punjab
& others**

...Respondents

CWP-28321-2023

Jagmeet Singh @ Jagmit Singh

...Petitioner

Versus

**Learned State Transport Appellate Tribunal, Punjab
& others**

...Respondents

CWP-1310-2024

Lucky Chalana

...Petitioner

Versus

**The State Transport Appellate Tribunal, Punjab
& others**

...Respondents

CWP-1423-2024

Harpreet Singh

...Petitioner

Versus

**The State Transport Appellate Tribunal, Punjab
& others**

...Respondents

CWP-1944-2024

Bhola Singh

...Petitioner

Versus

CWP-24021-2023 & connected cases -6-

State Transport Appellate Tribunal, Punjab
& others

...Respondents

CWP-20980-2024

Pardeep Singh

...Petitioner

Versus

State Transport Appellate Tribunal, Punjab
& others

...Respondents

CWP-2104-2024

Bhola Singh

...Petitioner

Versus

State Transport Appellate Tribunal, Punjab
& others

...Respondents

CWP-2112-2024

Bhola Singh

...Petitioner

Versus

State Transport Appellate Tribunal, Punjab
& others

...Respondents

CWP-21181-2024

Imaan Bakshi

...Petitioner

Versus

State Transport Appellate Tribunal, Punjab
& others

...Respondents

CWP-9832-2024

CWP-24021-2023 & connected cases -7-

Avneet Kumar Kathuria **...Petitioner**

Versus

**State Transport Appellate Tribunal, Punjab
& others** **...Respondents**

CWP-27576-2023

Sourav Kumar **...Petitioner**

Versus

State of Punjab & others **...Respondents**

283 (02 cases) **CWP-25965-2023**

Harmandeep Singh **...Petitioner**

Versus

The Pressing Officer and & others **...Respondents**

CWP-22880-2023

Jagseer Singh **...Petitioner**

Versus

The Presiding Officer and & others **...Respondents**

CWP-8543-2024

Jagtar Singh @ Jagtar Singh Walia **...Petitioner**

Versus

**State Transport Appellate Tribunal, Punjab
& others** **...Respondents**

**CWP-24021-2023 & connected cases -8-****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Amit Jhanji, Senior Advocate with
Mr. Sachit Singla, Advocate for the petitioner(s)
in CWP-24021 & 26626-2023.

Mr. Hakikat Grewal, Advocate with Dr. Eliza Gupta, Advocate
for the petitioner(s) in CWPs-24386, 25812 & 28546 of 2023
& CWP-2510-2024.

Mr. P.S. Brar, Advocate for petitioner in CWP-3674-2024,
CWPs-6585-2024 & 25965-2023

Mr. Raj Kaushik, Advocate for petitioner(s)
in CWPs.20980,21181 & 22880 of 2024 &
for respondents No.5 in CWP-26282-2023
for respondents No.12 in CWP-27311-2023
for respondents No.8 in CWP-1038-2024
for respondents No.6 in CWP-2510-2024.

Mr. Lekh Raj Sharma, Advocate for the petitioner(s)
in CWP-27311-2023, 28321-2023 & CWPs-1310,1423,
1038, 9235 & 9784-2024 & for respondent No.9
in CWPs-1944, 2112, 20980 & 21181 of 2024 & for
respondent No.6 in CWP-2104-2024 & for respondent No.5
in CWP-10808-2024 & CWP-22880-2024 & for respondent
NO.3 in CWP-25965-2024.

Mr. K.J.S. Bhullar, Advocate for
Me. Akshay Deep Singh, Advocate for the petitioner(s)
in CWP-24021-2023 & for respondent No.7
in CWP-3674-2024 & for respondent No.6
in CWP-24697-2024.

Mr. Anil Kumar Sharma, Advocate for respondents No.10 & 11
in CWP-24021-2023.

Mr. Arvind Galav, Advocate for respondents No.5, 6 & 7
in CWP-1944,2104 & 2112 of 2024.

Mr. Rohit Kapoor, Advocate for
respondents No.5 & 6 in CWP-24021-2023
for respondents No.6 & 8 in CWPs-3674 & 5943-2024
for respondents No.5 & 7 in CWP-24697-2024.

Mr. Punnet Bali, Senior Advocate with
Mr. Aakash Sharma, Advocate for respondent No.4 in
CWP-28546 & 27311 of 2023 & for respondent No.5 in
CWP-28321-2023 & for respondent No.8 in CWP-24021-2023

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Mr. Vivek Suri, Advocate for the petitioner(s) in CWP-8543-2024 & CWP-8502-2024.

Mr. Arihant Goyal, Advocate with
Mr. Saurav Saini, Advocate for petitioner(s)
in CWPs-1944,2104,2112,9832,5943 & 10808 of 2024
& for respondents No.10 in CWP-27311-2023
for respondents No.6 in CWP-1310 & 1423-2024
for respondents No.3 in CWP-28546-2023
for respondents No.5 in CWP-21181 & 20980 of 2024
for respondents No.8 in CWP-26626-2023.

Mr. Rajinder Sharma, Advocate for petitioner
in CWP-27576-2023.

Mr. H.S. Jalal, Advocate for
respondent No.5 in CWP-27576-2023 & for
respondent NO.9 in CWP-27311-2023.

Mr. Harsh Chopra, Advocate for respondent No.4
in CWP-10808-2024.

Mr. Jagdish Marwaha, Advocate with
Dr. Kanwal Marwaha, Advocate for respondent-PRTC
in CWPs-2112,1944,2104,8502,1423 & 1310 of 2024.

Ms. Deepika Bagri, Advocate for
Mr. Anupam Singla, Advocate for respondent No.4
in CWP-22880-2024.

Mr. Yadwinder Singh, Advocate for respondent No.5
in CWP-2510-2024.

Mr. Aman Sharma, Advocate for respondent-PRTC
in CWP-3674,9832 & 5943 of 2024.

Mr. H.S. Jalal, Advocate for respondent No.6
in CWP-28546-2023.

Mr. T.P.S. Chawla, Senior DAG, Punjab with
Mr. Malkit Singh, DAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present bunch of petitions, the challenge is to the order
passed by the State Transport Appellate Tribunal, Punjab dated 15.09.2023

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(Annexure P/10) appended with the CWP-24021-2023 and to the similar orders passed by the State Transport Appellate Tribunal, Punjab in the cases of other petitioners. Though, the decision taken by the State Transport Appellate Tribunal, Punjab impugned in these bunch of petitions is on similar issue qua the candidates who are not found meritorious enough to be granted the permits and the evaluation by the authorities to deny them the permit sought has been upheld but, even qua some of the candidates, who are found eligible and were granted permits such as, Lakhwinder Singh, Amarjit Kaur and Heaven Preet have been set aside on the ground that the advertisement was only for the grant of five stage permits (02 for the State Undertaking and 03 for the private operators), which were wrongly increased to a total of 08 stage permits i.e. 3 for the State Undertaking and 05 for private operators by the competent authority-respondent No.4.

2. The decision of the Appellate Tribunal is being impugned by all the concerned on various grounds such as; that while passing impugned order, the decision taken by the respondent-State to increase the grant of stage permits from 5 to 8 was never challenged but still adjudicated by the Tribunal. Further, the challenge to the grant of permit in favour of certain candidates was considered without even noticing whether the said challenge was as per rule 85 of Punjab Motor Vehicles Rules, 1989 within the limitation or not and whether the *inter se* assessment of the candidates, who are granted permit, while passing the impugned award between Lakhwinder Singh, Amarjit Kaur & Heaven Preet and the other candidates namely, Tarsem Chand and Vijay Singh was on a proper consideration or not.

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3. Learned counsel for the petitioner(s) further submits that all the appeals which were filed against the grant of permit or non-grant of the same, should have been decided together whereas, certain appeals which were filed by the non-selected candidates are still pending before the State Appellate Tribunal and in case, the same are now decided and in case accepted, will render the impugned award passed by the State Transport Appellate Tribunal as infructuous.

4. Learned counsel for the parties agree that the impugned order passed by the State Transport Appellate Tribunal, Punjab as impugned in these bunch of petitions be set aside and the case be remanded back to the State Transport Appellate Tribunal, Punjab for fresh adjudication after considering all the arguments which are being raised by the respective candidates to support their respective claims, who have not been selected for the grant of permit as well as the plea being taken by the selected candidates, who have been granted permit qua the maintainability of such appeals by the non-selected candidates before the Tribunal.

5. Keeping in view the fact that the selected candidates and even the non-selected candidates are aggrieved by the same order of the Appellate Tribunal as all their pleas have not been decided by the Appellate Tribunal while passing the impugned order, as agreed between the contesting parties, the impugned order passed by the State Transport Appellate Tribunal, Punjab challenged in these writ petitions, are set aside and the cases are remanded back to the State Transport Appellate Tribunal, Punjab for fresh adjudication for deciding the lis between the parties keeping in view the issue raised by the respective parties for the

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consideration of the State Transport Appellate Tribunal, Punjab.

7. It may be noticed that once, the orders impugned in these bunch of petitions are set aside, the candidates who have already been granted the permit or are continuing under the interim order of this Court, will continue to operate till the further order is passed by the State Transport Appellate Tribunal, Punjab.

8. All the writ petitions are disposed of in above terms.

9. Civil miscellaneous application pending, if any, is also disposed of.

10. A photocopy of this order be placed on the file of connected cases.

February 24, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No