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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Date of Decision :17.03.2025

Guru Amardass Bus Service Regd. Jalandhar

...Petitioner

Versus

State Transport Appellate Tribunal, Punjab
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHIPresent: Mr. B.S. Sudan, Advocate for the petitioner
in CWP-3755-2013.Mr. Rohit Kapoor, Advocate for the petitioner
in CWP-5335-2013.

Ms. Akshita Chauhan, DAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petitions, the challenge is to the order dated 27.09.2012 (Annexure P/2) passed by the Presiding Officer, State Transport Appellate Tribunal, Punjab by which, one of the four route permit, which was lying vacant, has been given in favour of respondent No.3, which has been challenged by the petitioner.

2. Learned counsel for the petitioner argues that four permits were advertised on 08.04.2000 to be issued by the respondent-department and the



same were granted in favour of Ashok Kumar, Dharam Singh Kang, Gurdial Singh and Kulbir Singh vide order dated 10.04.2001 (Annexure P/1) by the respondent No.2. Learned counsel for the petitioner submits that the action of non-grant of route permit either to petitioner or to respondent No.3 was challenged by the petitioner as well as by respondent No.3 by way of filing separate appeals. Learned counsel for the petitioner further submits that during the pendency of the said appeals, it transpires that one Ashok Mehra has not lifted the permit and was lying vacant and it was agreed that the said permit will be bifurcated between the petitioner and respondent No.3 whereas, the State Transport Appellate Tribunal vide impugned order dated 27.09.2012 (Annexure P/2) granted the said permit to respondent No.3. to the exclusion of the petitioner. Learned counsel for the petitioner further submits that once, the permit was to be granted to either of the appellants, the appellants should have been heard qua the assessment of the grant of permit.

3. Learned counsel for the petitioner submits that the permits were to be granted to the new entrants, whereas, the respondent No.3 was not the new entrant and hence, the same should not have been allotted in favour of respondent No.3.

4. Learned counsel appearing for respondent No.3 submits that no such agreement was ever made to lift the permit along with petitioner and rather, the Appellate Tribunal evaluated the claim of the petitioner as well as respondent No.3 and ultimately found the respondent No.3 as meritorious and the unlifted permit was allotted in favour of respondent No.3, which is perfectly valid and legal.



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5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. It is a conceded position that the respondent No.3 has been granted the permit which has not been lifted by one Ashok Kumar Mehra. Once, the said permit was to be granted, the State Transport Appellate Tribunal considered the merit between petitioner and respondent No.3 and gave the reasons in Para-4 of the impugned order to prefer the respondent No.3 over and above the petitioner. That being so, this Court will not like to interfere in the selection of the meritorious candidates to the authorities concerned rather than adjudicating the same being an evaluator, which will otherwise not serve the purpose.

7. The further argument of the learned counsel for the petitioner is that the permit was to be granted to the new entrant whereas, the respondent No.3 already has the permit.

8. Learned counsel for the respondent No.3 submits that at the time when the selection was made, the respondent No.3 was the new entrant and it is only subsequently, the permit has been granted therefore, the position is to be seen on the cut off date of the advertisement and not subsequently. Learned counsel for respondent No.3 further submits that even as of now, even the petitioner who was granted the permit has sold the same in favour of other therefore, if the same yardstick is to be applied, then neither the petitioner nor respondent No.3 will be eligible. The said averment has gone un rebutted.

9. Keeping in view the totality of the facts and circumstances of the present case, when the four permits have been given by the State



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Appellate Tribunal after evaluating the claim of the petitioner as well as respondent No.3, no interference of this Court is called for and the writ petitions are accordingly dismissed.

March 17, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No