
(2008) 03 P&H CK 0029
In the Punjab And Haryana At Chandigarh

Bahadur Singh Bhogal

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 13-03-2008

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2008) 151 PLR 547 : (2008) 3 RCR(Civil) 647

Hon'ble Judges : Sabina, J;M.M. Kumar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

M.M. Kumar, J.—This petition filed under Article 226 of the Constitution challenges order dated 31.8.2006 (P-1) passed by the District Transport Officer, Patiala cancelling the Driving Training School licence granted to the petitioner. Earlier to the passing of the order, the District Transport Officer, Patiala issued a show cause notice to the petitioner on 4.8.2006 and thereafter, opportunity of personal hearing was granted to the petitioner on 12.8.2006 and 18.8.2006. On an appeal filed by the petitioner, the appellate authority i.e. State Transport Commissioner Punjab-respondent No. 2 approved the order passed by the District Transport Officer-respondent No. 3 and dismissed the appeal. It would be appropriate to make a reference to the concluding para of the order passed by the District Transport Officer on 31.8.2006 which reads as under:

After registration of the above noted case and investigation conducted by CIA Staff, Nabha and the inquiry conducted by this office, it was written by this office Letter No. 3116 dated 4.8.2006 to Sh. Bahadur Singh son of Sh. Sukhdayal Singh, owner of Bhogal Driving School, Rajpura Town for giving explanation/clarification after issuing the notice regarding cancellation of the licence of Driving Training school under the allegations levelled for issuance of fake licence of driving training school. The applicant has written in his explanation that all the allegations leveled against him are false and incorrect. The applicant was given personal hearing firstly on 12.8.2006 and then on 18.8.2006. He, by personal

appearance, told that the contents mentioned in the explanation are totally correct and after perusing the explanation/clarification submitted by Sh. Bahadur Singh, owner of Bhogal Driving Training School, Rajpura, it has not been found satisfactory because as per the investigation made by the ICA staff, Nabha, fake licences were issued to the above said persons by Sh. Bahadur Singh.

Therefore, keeping in view the above mentioned facts, I Gurmukh Singh, District Transport Officer, Patiala while using my powers, cancelled the driving training school licence No. 3/DTOO/P/95 which was issued by this office to Sh. Bahadur Singh son of Sh. Sukhdayal Singh, owner of Bhogal Driving Training School, Rajpura Town, Patiala under Rule 28 of the Central (Motor) Vehicles Rules, 1989. Copy of this order be sent to the applicant.

2. We have heard the learned Counsel at considerable length and regret our inability to accept the argument advanced by him.

3. It is conceded position that after issuing a show cause notice and personal hearing, the District Transport Officer has recorded a categorical finding that the petitioner is involved in issuance of fake driving licence to four person, namely, Mukhtiar Singh, Darshan Singh, Rajinderpal Singh and Sant Singh. It has further been found that such an act on the part of the petitioner is against the terms and conditions on the basis of which the petitioner was issued driving school licence. One of the conditions in the licence was that the petitioner would comply with all the conditions contemplated by Rule 27 of the Central Motor Vehicles Rules, 1989. According to Rule (k) of Rule 27, petitioner was not to act in a manner calculated which may mislead any person making an application for procuring a licence for such person other than in accordance with these rules or to connive with any person in acts of commission or omission with a view to circumvent the provision of chapter and the rules, A copy of the licence issued by the petitioners school is taken on record as marked "A. Rule 27(K) reads as under:

27. General conditions to be observed by the holder of a licence:- The holder of a licence granted under rule 24 shall (a) to (j) x x x x

(k) not act in a manner calculated to mislead any person making an application to receive instructions from the school or establishment as to his ability to procure a licence for such person other than in accordance with these rules or to connive with any person in acts of commission or omission with a view to circumventing the provisions of this Chapter.

4. A perusal of the aforementioned rule makes it amply clear that the petitioner has connived with other person in the issuance of driving licence which was prohibited by the terms and conditions laid down when the licence for establishment of driving school was issued to the petitioner. Thus, there is no merit in the petition and the same is dismissed.