

(1976) 12 SC CK 0022
In the Supreme Court Of India
Case No : ?Appeal Civil 424 of 1971

Cumbum Roadways (P) Ltd.	Vs	APPELLANT
Balaguru Bus Service Pvt. Ltd. and Others		RESPONDENT

Date of Decision : 10-12-1976

Acts Referred:

Motor Vehicles Act, 1988 — Section 47

Citation : AIR 1977 SC 1563 : (1977) 1 SCC 440 : (1977) 2 SCR 407 : (1977) 9 UJ 63

Hon'ble Judges : A. N. Ray, C.J; V. R. Krishna Iyer, J; M. Hameedullah Beg, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

V.R. Krishna Iyer, J.—This appeal, without any merit, deserves to be dismissed without much ado.

2. The few facts of the case are that the appellant and the respondent both operators of stage carriages, applied for a permit on an 86 KM. route. Marks were awarded to both under the relevant Motor Vehicles Rules to settle their comparative merit. The appellant secure 8.79 marks and the respondent 12.08. The latter thus secured an easy arithmetical victory over the former and the sense of the scheme would have ordinarily led to the award of the permit to the respondent. However, the Road Transport Authority preferred the candidate with the lesser marks on the compassionate ground that the rival with the latter marks had already got a permit a couple of month before, on an overlapping route of 53 Km. On appeal, the Appellate Tribunal set aside this award and granted the permit to the one who had more merit. This has been affirmed throughout, repelling the challenge by writ petition. The aggrieved appellant contends that his permit should not have been set aside, the ground being that the respondent had got an earlier permit on a part of the route. We are not persuaded about this ground being good.

3. Permits cannot be equated with distribution of patronage. We must remember

that public interest is at stake when public transport services are operated. The scheme of the statute, viz., the Motor Vehicles Act is that he who can serve the travelling public best, is to be chosen as the permit holder. Consideration of grace, Charity and compassion at the expense of public interest are an act of unfairness to the Act. The conclusion, thereafter is that the appellant's claim was rightly rejected and the respondent's award was rightly made.

4. We dismiss the appeal but in the circumstances without costs.