
(1995) 01 P&H CK 0047
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 9391 of 1992

Guria Bus Service Co. (P) Ltd.	Vs	APPELLANT
State Transport Commissioner		RESPONDENT

Date of Decision : 31-01-1995

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1995) 110 PLR 569

Hon'ble Judges : N.K. Kapoor, J

Bench : Single Bench

Advocate : A.M. Punchhi, for the Appellant; N.S. Boparai, AAG, for the Respondent

Final Decision : Allowed

Judgement

N.K. Kapoor, J.—Petitioner sought issuance of a writ of mandamus directing the respondent immediately to comply with order dated 1.6.1992 passed by the State Transport Appellate Tribunal, Punjab, or for issuance of any other writ, order or direction as the Court may deem fit and proper in the circumstances of the case.

2. The primary grievance of the petitioner is that the respondent for no valid reason has not taken any steps to comply with the order dated 1.6.1992 of the State Transport Appellate Tribunal Punjab whereby the petitioner had been granted one regular stage carriage permit with one return trip on Patiala-Amritsar via Nandpur-Kesho-Ludhiana-Jalandhar.

3. On notice of motion having been issued, the respondent put in appearance, filed written statement and contested the petition on the ground that respondent is not duty bound to implement the order of State Transport Appellate Tribunal.

4. This petition was admitted on November 9, 1992 with a direction that the same be set down for hearing on 25.11.1992. The matter has remained pending and hence another application has been filed by the petitioner to decide the writ

petition. Reference was also made to the decision of this Court in case State of Punjab v. Guru Ravidas Transport Co. Regd. Patiala and Ors. (CWP No. 11026 of 1992) wherein the Court following the earlier decision held that the State Government does not have any locus standi to challenge the grant of permit to private bus operators. Thus, with this background it was urged by the learned counsel for the appellant that the writ petition deserves to be allowed.

5. Learned Asstt. Advocate General, Punjab, was unable to raise any meaningful argument in support of the plea that the direction issued by the State Transport Appellate Tribunal can be ignored by the respondent. Asstt. Advocate General, Punjab, however, admitted that the CWP Nos. 4876 and 11299 of 1992 were dismissed on 4.1.1994 and 27.1.1994 respectively. In both these cases, it has been held that the State Government does not have any locus standi to challenge the grant of permit to the private bus operators as the State was not an application for the grant of permit. This being the accepted position, the writ petition deserves to be allowed. Accordingly, I allow the writ petition and direct the respondent to release one permit with one return trip in favour of the applicant on Patiala - Amritsar route the claim already granted by the State Transport Appellate Tribunal Punjab vide order dated 1.6.1992, within one month from the passing of this order. No order as to cost.