

(1979) 02 AP CK 0013

In the Andhra Pradesh High Court

Case No : Writ Petition No's. 5284 and 5291 of 1978

K. Ramachandra Naidu

APPELLANT

Vs

Govt. of Andhra Pradesh and Others

RESPONDENT

Date of Decision : 05-02-1979

Acts Referred:

Andhra Pradesh Motor Vehicles Rules, 1964 — Rule 148
Civil Procedure Code, 1908 (CPC) — Section 96
Motor Vehicles Act, 1939 — Section 44, 44A, 64, 68, 68(2)

Citation : AIR 1979 AP 213

Hon'ble Judges : Punneya, J;Kondaiah, J;Jeevan Reddy, J

Bench : Full Bench

Advocate : I. Kotireddy and G. Suryanarayana, for the Appellant; Govt. Pleader for Transport, G. Veera Reddy and R. Venugopal Reddy, for the Respondent

Judgement

Kondaiah, J.—The Regional Transport Authority, Chittoor had granted on October 4, 1960 two state carriage permits on the inter-State route Tirupati to Arkonam to two out of thirty-three applicants. That order was finally set aside by the State Government in exercise of its revisional jurisdiction on Nov. 16, 1964 with a direction to the Regional Transport Authority to decide the matter afresh. Thereafter. The R. T A. Chittoor had, by its order dated Nov. 25, 1966, granted the permits to P. Venku Reddy and K. Ramachandra Naidu respondents 2 and 3 in W. P. No. 5291 of 1978. Aggrieved by that order the seven unsuccessful applicants preferred appeals before the appellate authority in April 1966, under Rule 189 of the Andhra Pradesh Motor Vehicles Rules (hereinafter called "the Rules"). During the pendency of those appeals the Motor Vehicles Act (hereinafter called "the Act") was amended by the Motor Vehicles (Amendment Act) (Act 56 of 1969) whereby the State Transport Appellate Tribunal manned by a Judicial Officer not less than the rank of a District Judge, has been constituted under sub-sec. (2) of S. 64 of the Act to hear and dispose of the appeals against the grant or refusal of the stage carriage permits. By virtue of the provisions of sub-sec. (3) of S. 64 of the Act every appeal pending at the commencement of

the Amendment Act 56 of 1969 shall be proceeded with and disposed of as if that Act has not been passed Rules 188 to 193 of the Rules were repealed and in their place a new Rule 188 was inserted under G. O. Ms. No. 614 dated 31-3-1971. To meet the new situation that had arisen, the Government framed new R. 189 under G. O. Ms. No. 1189 dated Aug 25, 1972 where under the Transport Commissioner had been constituted as the appellate authority to hear and dispose of the appeals then pending. The question now raised is which of the authorities should hear the 7 appeals preferred before the appellate authority in April, 1966. under the then Rule 189. When the appeals were sought to be disposed of by the Transport Commissioner, who is the appellate authority constituted under the present Rule 189. which came into force on 25-8-1972. the present writ petitions have been filed for the issuance of a writ of prohibition directing the Transport Commissioner to forbear from hearing! the appeals on the ground that he had no jurisdiction to hear the same, our learned brother Madhava reddy. J before whom the writ petitions came up for hearing in the first instance, thought that there is conflict between the decision of a Division Bench in K. Ramachandra Naidu Vs. The Government of Andhra Pradesh and Others, and that of another Division Bench in W. Ps. Nos. 1982 and 2397 of 1971, although both these judgments are ad idem on the point that the present State Transport Appellate Tribunal is not competent to hear the appeals and, therefore, referred the cases to a Bench which, in its turn, referred the same to the Full Bench in order to resolve the conflict. That is how these cases have come up before us.

2. The sum and substance of the contention of Mr. J. Suryanarayana learned counsel appearing for the petitioners in W. P. No. 5291 of 1978 is that the authority which is competent to hear the appeals is the appellate authority consisting of the Transport Commissioner as Chairman and two other members, who shall also be the members of the State Transport Authority, as per Rule 189 as it stood in April, 1966 when the appeals were preferred and that the appellate authority consisting of the Transport Commissioner alone under new Rule 189 has no jurisdiction and is not competent to proceed with and dispose of the appeals pending on or prior to 1-4-1971. This plea of Mr. G. Suryanarayana is controverted by the learned Government pleader and by Mr. R Venugopala Reddy, learned counsel for the respondent contending inter alia that the present appellate authority consisting of the transport Commissioner is the only competent authority to hear the appeals in question, that there is only change of forum but not in the authority and that it is open to the Government to change the forum keeping intact the right of appeal to the appellants.

3. The question therefore, that falls for decision is whether it is for the appellate authority consisting of the Transport Commissioner as Chairman and two members of the S.T.A. as per Rule 189 as it stood in April 1966 when the appeals were preferred, or the appellate authority consisting of the Transport Commissioner alone as required by the present Rule 189 that is competent to

hear and dispose of the 7 appeals preferred by the unsuccessful applications against the orders of the R.T.A. chittoor granting two inter-State stage carriage permits on 25-11-1966.

4. In order to understand the scope of the question, we may refer to the material and relevant provisions of the Act and the Rules. Chapter IV consisting of Ss. 42 and 68 of the Act deals with control of vehicles. S. 48 provides for the grant of stage-carriage permits, S. 64 provides, to any person aggrieved by the refusal of the State or Regional Transport Authority to grant a permit or by any condition attached to a permit granted to him, an appeal to the prescribed authority within the prescribed time and in the prescribed manner. Hence till 1964 the Madras Motor Vehicles Rules were being applied to all proceeding under the Act in the State of Andhra Pradesh. Rule 147 of the Madras Rules prescribed the State Transport Authority the appellate authority- As the Central Act had empowered the State Governments to prescribe an appellate authority under S. 64 of the Act through its rule making power under S. 68 (2) (j) of the Act the Government of Andhra Pradesh by a notification Dtd. April 16, 1962 amended Rule 147 whereby the appellate authority was constituted with the Transport Commissioner as Chairman and two members of the S.T.A.. as its members. Rule 148-A was introduced by another notification dated May, 5, 1964 enabling the transfer of the pending appeals before the State Transport Authority to the file of the newly constituted appellate authority. In the year 1964 the old rule 147 which was made by the state of madras and was being followed in the State of Andhra Pradesh, was numbered as Rule 189.

5. The provisions of S, 64 of the Act relating to appeals were amended by S. 33 of the Amendment Act 56 of 1969. After amendment S. 64 has been renumbered as sub-section (II) thereof and sub-sees. (2) and (3) have been added by Act 56 of 1989. Sub-sec (3) of Sec 64 enjoins the State Government to constitute a State Transport Appellate Tribunal, which shall consist of whole time Judicial Officer not below the rank of a District Judge. However, sub-section (3) of Section 64 makes it clear that every appeal pending at the commencement of the Amendment Act 56 of 1969 shall be proceeded with and disposed of as if that Act had not been passed. Hence all the appeals pending at the commencement of that amendment Act 56 of 1969, which came into force on April 1, 1971 must invariably be proceeded with and disposed of by the appellate authority, which was the competent authority to dispose of the appeals pending prior to 1-4-1971, The opening words notwithstanding any thing contained in sub-sec. (1) or subsection (2)" used in sub-section (3) of Section 64 and the last words "as if that Act had not been passed" would leave no doubt in our mind that the sovereign Parliament intended the pending appeals to be proceeded with and disposed of by the appellate authority which was competent to dispose of the appeals prior to 1-4-1971. Any appellant who had preferred an appeal before the appellate authority prior to 1-4-1971 has a vested right to have his appeal proceeded with and disposed of by the appellate authority, in other words, the appellate authority which was competent to proceed with and dispose of the

appeals prior to the amendment Act alone has jurisdiction and is competent to dispose of the same as if the Amendment Act had not been passed. On a careful consideration of the provisions of Sec. 64 of the Act, prior and subsequent to the Amendment Act 56 of 1869, we have no doubt to hold that the State Transport Appellate Tribunal consisting of a whole time Judicial officer not below the rank of a District Judge has no jurisdiction and is not competent to proceed with and dispose of the appeals pending before the appellate authority prior to 1-4-1971.

6. This brings us to examine which of two appellate authorities that is competent to proceed with and dispose of the 7 pending appeals with which we are now concerned. The answer to this question depends upon the power of the State Government to delete old R. 189 and enact the present R. 189 and the scope and application of these rules is prospective or retrospective. According to Suryanarayana, the State Government is not competent to delete the old R. 189 by G. O, M. S. No. 614 dated 31-3-1971, that the new R 189 is invalid and the same does not revive an appellate authority and that the Transport Commissioner who has no judicial experience cannot dispose of the appeals as the trend, as evidenced by the provisions of sub-sec. (2) of S. 64 of the Act, is to have the appeals disposed of by a whole time judicial officer.

7. We shall first take up the submission that the present R 189 is ultra vires and the Government has no power to make the present: R. 189 and the old R. 189 must be deemed to be still in force for the purpose of disposal of the pending appeals. Sec. 68 (1) empowers the State Government to make rules for the purpose of carrying into effect the provisions of this chapter. Sec. 68 (2) (1) empowers the State Government to make rules in respect of the authorities to whom, the time within which and the manner in which appeals may be made. The aforesaid provision categorically vests the State Government to make specific rules relating to the authorities to whom the appeals may be made, the time within which and the manner in which the appeals may be made. The State Government by framing the new R. 189 has specifically provided a competent authority to dispose of pending appeals. Admittedly it is the State Government that is competent to make rules with regard to the authorities to whom the appeals may be preferred and the manner and method in which the appeals may be made. The submission of Mr. G. Suryanarayana, that the new R. 189 is ultra vires of the power of the State Government and invalid can not be acceded to. Not only that the State Government has jurisdiction and competency to make the provision, R. 189, but it is also obligatory on its part to make an appropriate rule to meet the situation arisen on account of the provisions of sub-secs. (2) and (3) of Sec. 64 of the Act, which had come into force with effect from 1-4-1971 and also deletion of the previous R 189 corresponding to Madras Rule 147. The action of the State Government in making the new R 189 is, in our considered opinion, not only appropriate but essential to meet the new situation arisen on account of the two factors indicated above. It admits of no doubt that the statutory power vested in the State Government under S. 68 (2) (j) of the Act to make rules in respect of the authorities to whom the time within which and the manner in

which appeals may be made, would certainly embrace or include the power to either delete or suitably modify or alter, if in the opinion of the State Government such deletion or modification or alteration is really needed for proper and effective rule making, intended to be used for the purpose of carrying into effect the provisions of that chapter. Even assuming that the old appellate authority constituted under the old R. 189 must be deemed to be in existence in the eye of law and the State Government had no power to abolish it, the present R. 189 must be construed to have been substituted for the R. 189. Hence we express our inability to agree with Mr. Suryanarayana that the State Government is not competent to delete the old R. 189 and make the new Rule 189.

8. Now, we shall examine whether the present R. 189 has prospective or retrospective effect. The rule making authority added the following paragraph at the end of the present R. 189.

"This rule shall apply to all the pending appeals and to all appeals that shall lawfully lie to the appellate authority before the appellate authority immediately before the constitution of State Transport Appellate Tribunal."

This paragraph has specifically been added with a view to remove any doubts about the retrospective effect of the present R. 189. As already stated, the appeals pending as on 31-3-1971 could not be proceeded with and disposed of by the State Transport Appellate Tribunal as its jurisdiction has specifically been ousted by the provisions of sub-sec. (3) of S. 64 of the Act. Consequent upon the abolition of the rules including the old Rule 189 (corresponding to Madras Rule 147). there was no appellate authority to dispose of those appeals. Realising this lacuna in the proceedings, the State Government made the present Rule 189 constituting the Transport Commissioner as the appellate authority. We are unable to agree with Mr. Suryanarayana that the present Rule 189 is only prospective and it must be construed to apply only to the appeals preferred subsequent to 25-8-1972. As pointed earlier, there is no question of any fresh appeals being filed or entertained by the appellate authority consisting of the Transport Commissioner subsequent to 1-4-1971 in view of the constitution of the State Transport Appellate Tribunal. This rule is one of procedure and this is intended to be applied retrospectively for disposal of the appeal pending as on 31-3-1971.

9. The next contention of Mr. G. Suryanarayana is that the appellate authority constituted under new Rule 189 is not competent to dispose of the pending appeals as no rule has been made to transfer the pending appeals to the present appellate authority, nor the pending appeals have, in fact, been transferred by any competent authority. True, as contended by Mr. G. Suryanarayana, no rule as such has been framed empowering the Government to transfer the pending appeals to the present (sic) appeals are concerned. The appeal might be formally in the State Transport Appellate Tribunal as on 25-8-1972 when the Transport Commissioner has been appointed under Rule 189, as the appellate authority to proceed with and dispose of the pending appeals. But it must be taken note of

that the appeals which were pending on 31-3-1971 before the appellate authority then in existence must certainly be deemed to have been pending before the appellate authority which has been constituted under present Rule 189 on 25-3-72. The moment the appellate authority is constituted under the present Rule 189 the appellate authority automatically gets jurisdiction to dispose of the appeals pending so on 31-3-1971. There need not be a rule corresponding to old Rule 148-AA where by the appeals pending till 5--5-1964 before the State Transport Authority have been transferred to the file of the newly constituted appellate authority consisting of the Transport Commissioner and two other members. The absence of a rule similar to Rule 148-AA referred to above would not disentitle the present appellate authority from proceeding and disposing of the appeals pending before the appellate authority as on 31-3-1471. The non-existence of the appellate authority between 1-4-1971 and 25-8-72 would not, in any way, affect the jurisdiction and competence of the present appellate authority to proceed with and dispose of those appeals. The only legal consequence would be that there was no appellate authority in existence during the said period to proceed with and dispose of the pending appeals. We need not deal with that aspect as, admittedly, for some reason or other the appeals preferred by the aggrieved parties in April, 1966 have still not been disposed of.

10. We shall now proceed to deal with the contention of Mr. Suryanarayana that the constitution of the appellate authority with the Transport Commissioner alone as per the present Rule 189 amounts to change of forum. We cannot accede to this contention also. The meaning of the expression "forum" is stated in "The Law Lexicon" compiled and audited by P, R Aiyer at page 460 thus :

"a place of jurisdiction: the place where a remedy is sought; jurisdiction; a court of justice, a court, a jurisdiction. a place where legal redress is sought." The forum i.e.. the place of jurisdiction or place where legal redress is sought is the same in the present case and it is the appellate authority alone that is competent to proceed with and dispose of the appeals pending as on 31-3-1971. The very same forum viz., the appellate authority constituted under the present Rule 189 is competent to proceed with and dispose of the appeals pending on 31-3-1971, although there is change in the constitution of the forum. Whereas prior to 1-4-1971 the appellate authority consisted of the Transport Commissioner Chairman and two members of S.T.A as its members the present appellate authority is manned by the Transport Commissioner alone. Hence the forum provided for proceeding with and disposing of the appeals pending as on 31-31-1971 constituted under the new Rule 189 after 25-8-1972 is one and the same i.e., appellate authority. As already stated, however there is a change in the constitution or composition of the forum at the two material points of time. the aggrieved party, persons have got a vested right of appeal the moment the case has been instituted by them before the appellate authority or the tribunal. That right is a vested right to which the party is entitled, if he is aggrieved by the order of the original authority or court. However, the State has ample power and jurisdiction to change the constitution or composition of the appellate authority,

keeping intact, at the same time the right of the party to prefer appeal. The right of appeal is a vested right which cannot be taken away except by the legislature by specific terms. The change of forum is different from the change in the constitution or composition of the forum. The right to have the forum of appeal is substantive right which is vested in the party, whereas the right to change the composition constitution of forum of appeal is a procedural one, which can be made retrospectively and the subject cannot validly challenge or attack its competence or validity. The right of appeal of the writ petitioners against the order of the R.T.A. refusing to grant stage-carriage permits on the two inter-State routes and granting the same to the two grantees is a substantive right which has been vested in them. That right, in our opinion, has been kept intact and the same has been received by virtue of the appointment of the Transport Commissioner as the appellate authority by the State Government under the present Rule 189. The present appellate authority must be, in the eye of law construed to be the same forum of the appeal which was in existence in the eve of law, though there was no officer appointed as such between 1-4-1971 and 25-8-1972. As stated earlier. on account of the abolition of the old Rule 189 the State Government could not appoint any person or persons as the appellate authority. That is why the State Government thought it fit and proper and (in) its wisdom made the present Rule 189 where by the Transport Commissioner has been appointed the appellate authority to dispose of the pending appeals Hence it being a procedural law the writ petitioners cannot successfully attack the same. See *Garikapatti Veeraya Vs. N. Subbiah Choudhury*, , *The Custodian of Evacuee Property, Bangalore Vs. Khan Saheb Abdul Shukoor, etc., and Satya Pramoda Teertha Swamuluvaru Vs. Commissioner of Hindu Religious and Charitable Endowments, Andhra Pradesh, Hyderabad and Another*, . In *S. P. T. Swamuluvaru v. H. R. and C. E. Commissioner (supra)* the forum of appeal against the order of the Deputy Commissioner, H. R. and C. E. was taken away by the subsequent Act. Therein the appeals preferred by persons u/s 61 against the decision of the Deputy Commissioner in application under S 57-A were pending on the date of coming into force of the repealing act. The repealing Act did not provide any forum to continue the pending appeals. The appeals were rejected on the ground that there was no forum under the new Act The question that arose in a proceeding under Art, 226 of the Constitution of India was whether the aggrieved parties had a right to continue their appeals. It is held by a Division Bench of this Court, to which one of us (Kondaiah, J.) was a party, that the appeals could not be rejected on the ground that the Commissioner had no jurisdiction after the repeal could the appeals be failed on the ground that there was no forum created in the repealing Act to continue the appeals pending on the date of coming into force of the repealing Act. The Commissioner who was appointed under S. 3 (1) of the new Act was directed to function as Commissioner having appellate jurisdiction for the limited purpose of entertaining, continuing and imposing of the appeals before him at the time of coming into force of the new Act, Therefore we are of the view that there is no change of forum as contended by Mr. Suryanarayana..

11. Now we shall examine the plea of the petitioners that the Transport Commissioner, who has no judicial experience is not competent to be appellate authority. A cursory view of SS. 44, 44-A and 64 of the Act would provide an answer to this question. Old S.64 did not prescribe any qualifications to be possessed by the members or Chairman of the prescribed appellate authority to hear the appeals. Further neither the old Rule 189 nor a new Rule 189 prescribed any qualifications to the Chairman or the members who constitute the appellate authority. It is sub-sec (2) or S. 64 of the Act only that makes it obligatory to have a whole time judicial officer not lower than the rank of a District Judge to be the State Transport Appellate Tribunal (sic) constituted under sub-sec. (2) of S. 64 is altogether a different forum, from that of the appellate authority which was given power and jurisdiction to entertain and dispose of the appeals pending as on 31-3-1971. The provisions of Section 33 of the Amendment Act 56 of 1969 which came into force with effect from 14-1-1971 are only prospective not retrospective. That apart, the present sub-sec. (3) of S. 64 of the Act itself, by necessary implication does not insist upon a District Judge or a person with judicial experience alone being appointed as the appellate authority. Further it makes it clear that the pending appeals must be proceeded with and disposed of as if the Amendment Act 56 of 1969 had not been passed, The constitution of State Transport Appellate Tribunal with a whole time judicial officer not less than the rank of a District Judge is required for disposal of appeals preferred on or subsequent to 1-4-1971 only, If the intention of the Sovereign Parliament were to have a whole time judicial officer or a person with judicial experience alone to dispose of the pending appeals, nothing prevented it from making it very specific in the Amendment Act. The amendment Act did not intend a Judicial Officer or an Officer with industrial experience to dispose of the pending Appeals. On the Other hand, the very jurisdiction of the judicial officer of not less than the rank of District Judge had specifically been taken away in respect of the pending appeals. The sovereign parliament could have made it specific that a District Judge, a person with Judicial experience alone would dispose of the pending appeals if the judicial experience was really felt necessary to dispose of the pending appeals also.

12. Sections 44 or 44-A have no application or bearing upon Rule 189. Sec. 44 insists upon a person possessing judicial experience being appointed as Chairman of state Transport Authority or a Regional Transport Authority since 1956. S. 44-A does not say that only a person with judicial experience alone must be appointed as Transport Commissioner, Prior to 1956 the Chairman of S.T.A. or R.T.A. could also be a person who had no judicial experience. The proviso to sub-section (2) of S. 44 makes it clear that nothing in S. 44 shall prevent any member of the S.T.A. or R.T.A., to preside over a meeting during the absence of the Chairman notwithstanding that such member does not possess Judicial experience, Section 44-A empowers the State Government to appoint a State Transport Commissioner authorising him or any officer subordinate to him to exercise and discharge in lieu of any authority prescribed or under the Act such powers and

functions as may be specified in the notification. Hence Sec, 44-A empowers the State Government to appoint a State Transport Commissioner and there is no statutory obligation for the Government to appoint only a person with judicial experience as Transport Commissioner. There is a presumption that the Government will discharge its duties only fairly and in accordance with law. The State Transport Commissioner who is empowered to exercise and discharge powers and functions specified in the notification of appointment need not be a judicial officer or a person with judicial experience, What the State Government requires in this regard is competency, efficiency, integrity and administrative ability of the officer to be appointed as Transport Commissioner.

13. The further plea of Mr. G. Suryanarayana that the present Transport Commissioner being a police officer can not be allowed to function as the appellate authority in respect of the pending appeals also does not stand to reason, By virtue of the present Rule 189 the Transport Commissioner has been appointed as the appellate authority. The present Transport Commissioner may be a police officer, but as stated earlier, there is no rule which requires a judicial officer or a person with judicial experience alone to be appointed as Transport Commissioner. It is the province of the State Government to appoint an efficient and competent Transport Commissioner. It might have happened that the present incumbent is D.I.G. of Police. The appointment of a police officer as the Transport Commissioner cannot be held to be improper or illegal. The appellate authority has, no doubt, to consider the correctness or otherwise of the orders of the R.T.A. or the S.T.A., the Chairman of which is a person having judicial experience. The present appellate authority can dispose of only the appeals preferred by the aggrieved parties prior to and pending as on 1-4-1971. The State Government must have thought fit, proper and just to appoint the Transport Commissioner as the appellate authority who can dispose of the present pending appeals only and he will have no further appeals to be disposed of as of by the appeals filed subsequent to 1-4-1971 should be entertained and disposed of by the State Transport Appellate Tribunal. That apart, the revisions u/s 64-A would lie to the State Government. There is no specific qualification prescribed for the officer or authority in the State Government who would consider the revision and pass appropriate orders thereon. In these circumstances, we negate the contention of Mr. Suryanarayana on this aspect.

14. This brings us to consider whether there is really conflict between the two Division Bench decisions of this Court in W. Ps Nos. 1892 and 2397 of 1971, D/- 6-9-1971 and in K. Ramachandra Naidu Vs. The Government of Andhra Pradesh and Others, . In the earlier case the question that fell for decision was whether it was the appellate authority or the State Transport Appellate Tribunal that was competent and had jurisdiction to hear the appeals preferred in Nov., 1970 by the unsuccessful applicants against the order of the R.T.A. Nellore D/- 16-9-1970 granting stage-carriage permits to respondents 3 and 14 therein, It was rightly held therein that the State Transport Appellate Tribunal which had got the jurisdiction only on 1-4-1971 when sub-sees. (2) and (3) of S. 64 of the Act had

come into force, had no jurisdiction and it was the appellate authority, which was constituted under old Rule 189 comprising the Transport Commissioner as Chairman and two members of the S.T.A. as its members, alone that had jurisdiction to proceed with and dispose of the 17 appeals. In fact the said appellate authority was the only authority which was competent to dispose of the appeals preferred in Nov., 1970 and Pending before that authority as on 31-3-1971. Further, in that case there was no occasion to consider the competency and jurisdiction of the Transport Commissioner who was appointed a, the appellate authority under the present Rule 189, on Aug. 25, 1972 as that very decision was rendered by the Division Bench on Sept. 6, 1971. In *K. Ramachandra Naidu v. Govt. of A. P.* (supra) it was held that it was the appellate authority which was constituted under new Rule 189 that was competent to proceed with and dispose of the appeal. preferred by the aggrieved parties therein the year 1970. The observations of the learned Chief Justice Sambasivarao, who spoke for the Court, that "to the same effect is the decision of this Court in *R. Hanumantharao v. State of A. P.* (W. Ps. 1892 and 2397 of 1971, D/- 6-9-1971) must be construed that the earlier Bench also had clearly expressed the view that it was the appellate authority, but not the State Transport Appellate Tribunal, that had got jurisdiction to dispose of the appeals preferred by the parties in Nov., 1970. Hence it is not correct to think that that Bench had held that it was the appellate authority consisting of the Transport Commissioner as Chairman and two members of S.T.A. as its members alone but not the present appellate Authority manned by Transport Commissioner, that is competent and should proceed with and dispose of the pending appeals, We are, therefore, of the firm view that there is absolutely no conflict on any aspect between the two Bench decisions referred to above and we endorse the view expressed by the later Bench that the present appellate authority is competent and has jurisdiction to proceed with and dispose of the pending appeals.

15. For all the reasons stated above, the writ petitions are dismissed with costs Advocate's fee Rs. 200/- in each petition The appellate authority is directed to dispose of the appeals pending before it within two months from the date of receipt of this order as the matter, out of which the appeals arise, is a very old one pending since 1960.

16. Petitions dismissed.