

(1968) 07 DEL CK 0003

In the Delhi High Court

Case No : Civil Writ Petition Appeal No. 38 of 1968

Mohinder Singh

APPELLANT

Vs

Himachal Pradesh Government

RESPONDENT

Date of Decision : 10-07-1968

Acts Referred:

Citation : (1969) 5 DLT 109

Hon'ble Judges : T.V.R. Tatachari, J;S.K. Kapur, J

Bench : Division Bench

Advocate : Laxmi Grover, M.G. Chitkara, Chabildas and S. Malhorta, for the Appellant;

Judgement

T.V.R. Tatachari, J.

(1) This Writ Petition was filed under Articles 226 and 227 of the Constitution by one Mohinder Singh praying for .the issue of an appropriate writ, direction or order directing the respondents I and 2 to stop the prosecution of the petitioner for plying his motor vehicle under a public carrier permit No. 76/65 issued by the State Transport Commissioner, Punjab, for the whole of Punjab and Kalka-Simla route. The first respondent is the State of Himachal Pradesh. The second respondent is the State Transport Authority, Himachal Pradesh, Simla. The third respondent is the State Transport Commissioner Punjab, Chandigarh.

(2) The Petitioner, Moninder Singh, is engaged in the business of goods transport on the authority of a public carrier permit No. 76/65 in respect of his vehicle No. PNS-638 issued by the Secretary, Regional. Transport Authority, Ambala, in accordance with the orders of the State Transport Commissioner, Punjab, for the whole of Punjab and Kalka-Simla route. The said permit was granted on 13th January, 1965, u/s 57 of the Motor Vehicles Act, 1939, on regular basis for a period of five years, i.e. valid up to 12th January, 1970.

(3) Prior to 20th June, 1950, the Kalka-Simla route lay in three States, viz., Punjab, Pepsu and Himachal Pradesh. Section 63 of the Motor Vehicles Act, 1939

provides for validation of permits for use outside the region in which it was granted. Sub-sections (1) and (3) of Section 63 run as under :-

"(1) Except as may be otherwise prescribed, a permit granted by the Regional Transport Authority of any one region shall not be valid in any other region, unless the permit has been counter-signed by the Regional Transport Authority of that other region, and a permit granted in any one State shall not be valid in any other State unless counter signed by the State Transport Authority of that other State or by the Regional Transport Authority concerned : Provided..... (3) The provisions of this Chapter relating to the grant, revocation and suspension of permits shall apply to the .grant revocation and suspension of counter-signatures of permits ; Provided that it shall not be necessary to follow the procedure laid down in - Section 57 for the grant of counter-signatures of permits, where the permits granted in any one State are required to be counter-signed by the State Transport Authority of another State or by, the Regional Transport Authority concerned as a .result of any .. agreement arrived at between the States." (4) Thus, u/s 63(1), .in order that a permit granted in any one State may be valid in any other State, it has to be counter-signed by .the State Transport Authority of that other State or by the Regional Transport Authority concerned, unless it is otherwise proscribed. As pointed out by the Supreme Court of India in Punjab Sikh Regular Motor Service, Moudhapara, Raipur v. Regional Transport Authority, Raipur the words in the opening part of Section 63(1) "except as may be otherwise prescribed" made .the. provision subject to the. rules framed by, the State Government u/s 68 of the Motor Vehicles Act. Section 68(1) provides that a State Government may make rules for the purpose of carrying into. effect the provisions of Chapter 4 of the Act. Section 68(2) of the Act provides that-

"(2) Without prejudice to the generality of the foregoing power, rules under this section may be made with respect to all or any of the following matters, namely :- (hh) The conditions subject to which, and the extent to which, a permit granted in another State shall be valid in the State without counter-signature; " Rule 4.13(2) of the Punjab Motor Vehicles Rules, 1940, made under the aforesaid Section 68 and other Sections of the Act, provides as follows:- (2) A Transport authority outside the Province may, with the concurrence of the Punjab Provincial Transport Authority and Subject to any conditions which may be mutually agreed upon by the two Provincial Transport Authorities concerned, extend the effect of any permit to the whole of the Punjab or to any route or area there in." Further, u/s 63(3) of the Act. the procedure laid down in Section 57 of the Act has, normally, to be followed for the grant of counter-signatures of permits. But, by virtue of the proviso to Section 63(3). it will not be necessary to follow the procedure laid down in Section 57 for the grant of counter-signature of the permits if there is an agreement to that effect entered into between the States.

(5) In view of the aforesaid provisions, the three States of Punjab, Pepsu and

Himachal Pradesh. entered into an agreement dated 20th June, 1950 (Annexure A). Under the said agreement, it was agreed that the agreement will be in force from 1st July, 1950 till 31st March, 1952, that Punjab will be entitled to issue twenty eighty permits, Pepsu fourteen permits and Himachal Pradesh ten permits, that the vehicles shall be required to pay taxes only of one side, and no tax, levy or any charge shall be made except as provided in the Motor Vehicles Act and Rules, and that no endorsement or counter-signatures would be required to be taken by the vehicles of any jurisdiction from the Transport Authorities of the other for plying in their jurisdiction so far as the routes covered by the agreement are concerned. Accordingly, permits used to be issued by each of the three States in accordance with the provisions of the said agreement.

(6) On the re-organization of the Punjab in 1956, the State of Pepsu was merged in the State of Punjab. According to the petitioner, after the said re-organization, an agreement was made between the State of Punjab and the State of Himachal Pradesh. and the quota of permits to which extent each State was entitled to issue permits, was revised by agreement from time to time. But, none of the said agreements has been produced either by the petitioner or by the respondents. However, the respondents filed Annexure "RB", the minutes of a meeting held by the Transport Authorities of Punjab and Himachal Pradesh on 18th February, 1964. Para 7 of the said minutes shows that there were agreements entered into between the States of Himachal Pradesh and Punjab, particularly an agreement arrived at on 15th July, 1959 & 16th July, 1959 according to which it was not necessary to obtain counter-signatures on permits for Punjab-Himachal Inter-State Routes issued by the concerned Transport Authorities in the two States. The case of the petitioner in the writ petition is that in view of the agreements between the States of Punjab and Himachal Pradesh there was no need for obtaining the counter-signature of the State of Himachal Pradesh on the permit issued to him by the Regional Transport Authority, Ambala, who is an Officer subordinate to the State Transport Commissioner, Punjab, and that Therefore, the permit issued on 13th January, 1965 is valid and operative for a period of five years i. e. up to 12th January, 1970. The further case of the petitioner is that subsequent to the issue of the said permit, the State of Himachal Pradesh; claiming to have entered into some fresh agreement with the State of Punjab under which the permits issued for the joint route by each State is required to be countersigned by the other State, began to insist on the permits being countersigned, that although there was legally no necessity for the said counter-signature, the petitioner submitted his permit for the counter-signature of the concerned authority in the State of Himachal Pradesh, that the State Transport Authority, Himachal Pradesh, countersigned his permit in a piecemeal manner some time for a period of two months and sometime for a period of four months, that after 31st January, 1968 it refused to counter-sign his permit for no valid reason and did not allow his vehicle to run on the Kalka-Simla route, and even launched prosecution against the petitioner, and that, Therefore, he filed the present writ-petition.

(7) The question for determination is as to whether the permit granted to the petitioner by the Transport Authority of the Punjab State on 13th January, 1965 is valid up to 12th January, 1970, and whether the respondents 1 and 2 are not entitled to prevent the petitioner from plying his vehicle on the Kalka-Simla route.

(8) Shri Chhabil Dass, the learned counsel for the respondents 1 and 2, submitted that the agreement dated 15th July, 1959 and 16th July, 1959 mentioned in Annexure R. B. was superseded by an agreement dated 18th February, 1964. According to him, there is no separate document evidencing the said agreement dated 18th February, 1964, but that what was recorded in the Annexure R. B. itself instituted an agreement between the two States. It is. Therefore, necessary to refer to the said Annexure R. B. As already stated, the said Annexure is a copy of the minutes of a meeting held by the Transport Authorities of Himachal Pradesh and Punjab on 18th February, 1964 at New Delhi. The relevant paragraph in the minutes runs as under :-

"(7)Shri Chhabra states that the Himachal Government Transport is not getting its permits for Punjab-Himachal inter-state routes counter-signed by the concerned Transport authorities in the Punjab and vice versa. Srivastava points out I that counter-signature is not necessary in view of the agreements between Himachal and Punjab, particularly the one arrived at before the Chairman, I.S.T.C., on 15th July, 1959 and 16th July, 1959. Shri Chhabra points out that all the other adjoining states are getting their permits countersigned by the Punjab Authorities on their inter-state routes and that the obtaining of counter-signatures is mandatory under the law. After some discussion it is agreed that the Transport Minister should get the advice of the Law Ministry on this question, and that both the State Governments should abide by the law Ministry's advice. This would be done within a period of fortnight i. e., by 4th March, 1964". It appears that the matter was referred to the Ministry of Law, Government of India, and the said Ministry gave its opinion to the effect that the provision in Section 63(1) of the Motor Vehicles Act, 1939, is mandatory, and that the procedure of reciprocal agreement between the two States dispensing with the necessity of obtaining the counter-signature is ultra virus the Section 63(1). A copy of the said opinion is not forth coming. The respondents 1 and 2 filed only a copy of a communication (Annexure R. D.) received from the Deputy Secretary, Ministry of Transport, Government of India. The said communication runs as follows :-

"K.Srinivasan, Deputy Secretary. D. O. No.23-T(5)/64, Government of India, Ministry of Transport, (Transport Wing). New Delhi, dated the 13th March, 1964. Dear Shri Srivastava, Please refer to para 7 of the minutes of the meeting held with the Transport Authority of Punjab and Himachal Pradesh in the Office of the Chairman ,Inter-State Transport Commission., on the 18th February, 1964, a copy of which was sent to you with Shri Mathew's d.o. letter No. Ch ISTC(1)/64, dated the 20th February, 1964. 2. The advice of the Law Ministry has been obtained by us on the question whether, as a result of reciprocal agreement

between two States, it will be in order for the Transport Authority issuing the permit to countersign it on behalf of the other States, after satisfying itself that the permit holder has remitted the motor vehicle tax and permit fee due to the other State. We are advised that this procedure is ultra vires of Section 63(1) of the Motor Vehicles Act, 1939 the provisions of which are mandatory. Yours (sd/- K. Srinivasan) Shri P. P. Srivastava, General Manager, Himachal Government Transport, Simla." Shri Chhabil Dass contended that though according to the agreement dated 15th July, 1959 and 16th July, 1959, referred to in paragraph 7 of the minutes (Annexure R. B.), it was not necessary to obtain countersignatures on the permits for Punjab-Himachal Inter-State Routes, the same was superseded by the fresh agreement between the concerned authorities of the two States to abide by the advice of the Ministry of Law Government of India, and that since the advice of the Ministry of Law was that the procedure followed by the two States of entering into a reciprocal agreement dispensing with the necessity of obtaining counter-signatures on the permits issued for plying vehicles on Inter-State-Routes is ultra vires the provision in Section 63(1) of the Motor Vehicles Act, the two States should be regarded to have entered into a fresh agreement on 18th February, 1964, the date of the aforesaid meeting, to the effect that thereafter each State should obtain the counter-signature of the other State on such permits issued by it in respect of Inter-State Routes, and that, Therefore, the permit granted to the petitioner on 13th January, 1965 required to be counter-signed by the concerned authority of the State of Himachal Pradesh, and the petitioner in fact got the counter-signature of the concerned authority of the State of Himachal Pradesh, that it was open to the Himachal Pradesh Authority to countersign for such a period as considered proper, or refuse to countersign, and that .therefore, the respondents I to 2 acted in accordance with law in refusing to countersign the petitioner's permit after 31st January, 1968, and in refusing to allow the petitioner to ply his vehicle on the Kalka-Simla route, and in launching prosecution against him.

(9) As pointed out above, it is true that u/s 63(1) and (3) of the Motor Vehicles Act a permit granted in any one State will not be valid in another State unless it is countersigned by the concerned Transport Authority of the other State, and normally the Procedure for obtaining the said counter-signature is that laid down in Section 57 of the Act. However, as provided in the proviso to Section 63(3) the procedure u/s 57 may be dispensed with by the concerned State by entering into an agreement to that effect. Further, it is open to the concerned State to make Rules u/s 68(2)(hh) regarding "the conditions subject to which, and the extent to which, a permit granted in another State shall be valid in the State without countersignature". The State of Punjab made a rule viz. Rule 4.13(2), according to which "a Transport Authority outside the Province may, with the concurrence of the Punjab Provincial Transport Authority and subject to any conditions which may be mutually agreed upon by the two Provincial Transport Authorities concerned, extend the effect of any permit to the whole of the Punjab or to any route or area therein." We are informed by Shri Chhabil Dass that the State of

Himachal Pradesh also made a rule to the same effect. Thus, under the said rule a Transport Authority in the State of Punjab may, with the concurrence of the Transport Authority in Himachal Pradesh, extend the effect of a permit issued by the said Transport Authority in Punjab to the whole of Himachal Pradesh or to any route or area in Himachal Pradesh. Similarly, a Transport Authority in Himachal Pradesh may, with the concurrence of the concerned Transport Authority in Punjab extend the effect of any permit issued by the said Transport Authority of Himachal Pradesh to the whole of Punjab or to any route or area therein. The concurrence of either of the States may take the form of an agreement between the two States. The two States may also mutually agree to subject the said concurrence to such conditions as may be agreed upon by them. It is true that the rule does not expressly state that the requirement of a counter-signature, provided in Section 63(1), may be dispensed with by the said agreement between the States. But, in our opinion, when the rule provides that either of the States may concur with the extension of a permit issued by the other State to the whole of the concurring State or to any route or area therein, and also that the said concurrence may be subjected to any conditions which may be mutually agreed upon by the two States, it is implicit in the said provision in the rule that it is open to the two States to agree that the extension of the effect of a permit issued by one State into the other State may take place without the formality of a counter-signature by the State into which the effect of the permit is extended. The language of the aforesaid Rules clearly permits the adoption of such a course by the contracting States. As pointed out above, we do not have the advantage of pursuing the opinion of the Ministry of Law, as a copy of the same has not been placed before us. All that we have before us is the brief reference made to it in Annexure R.D. It is stated in Annexure R.D. which is extracted above, that the Ministry of Law considered that the provision in Section 63(1) requiring a counter-signature on the kind of permits referred to in the sub-section, is a mandatory provision. It is true that the sub-section declares that a permit granted in any one State shall not be valid in any other State unless counter-signed by the concerned authority in the other State, and in that sense the said provision is mandatory. But, the sub-section itself expressly made the said requirement of counter-signature subject to any rule that may be prescribed, as is clear from the words "except as may be otherwise prescribed" in the opening part of the sub-section. Section 68(2) (hh) provides that Rules can be made by the a State regarding "the conditions subject to which, and the extent to which, a permit granted in another State shall be valid in the State without countersignature". The sub-clause (hh) in Section 68 clearly permits the making of a rule dispensing with the requirement of obtaining the counter-signature of an Inter-State permit. The Rule 4.13(2) made by the States of Punjab and Himachal Pradesh is, Therefore, in accordance with the power conferred by Section 68(2)(hh). On the interpretation placed by us on the said Rule, it follows that the States of Punjab and Himachal Pradesh could enter into a valid agreement dispensing with the requirement of obtaining the counter-signature on an Inter-State permit. We are unable to agree with the opinion or

advice given by the Ministry of Law, Government of India., that such an agreement is ultra virus the provision in Section 63(1) of the Motor Vehicles Act. In view of the provisions in sub-sections (1) and (3) of Section 63 read with the provisions in Section 68(2)(hh) of the Motor Vehicles Act and in Rule 4.13(2) of the Punjab and Himachal Pradesh Motor Vehicles, Rules, we hold that the agreements, particularly the agreement dated 15th July, 1959 and 16th July, 1959, according to which, as stated in Annexure R.B. counter-signatures of the Transport Authorities in Himachal Pradesh need not be obtained on the inter-State permits issued by the Transport Authorities in Punjab, were quite valid in law.

(10) The argument of Shri Chhabil Dass that the agreement between the two States of Punjab and Himachal Pradesh in the meeting held on 18th February, 1964, as recorded in Annexure Rb, abide by the advice of the Ministry of Law, Government of India, was by itself a fresh agreement in supersession of the previous agreement of 15th July, 1959 and 16th July, 1959, and that in view of the advice of the Ministry of Law that such agreements are ultra virus the provision in Section 63(1), the two States should be held to have agreed that the agreement dated 15th July, 1959 and 16th July, 1959 was invalid and was no longer in force, cannot be accepted. We have held above that the view taken by the Ministry of Law was not correct. The said view or advice of the Ministry of Law was only its opinion, and as such, and that to when the opinion was wrong, it cannot in law have the effect of rendering the earlier agreement of 1959 invalid or void. Further, all that was stated in the Minutes (Annexure RB) was that after some discussion it was agreed that the Transport Authority should get the advice of the Ministry of Law on the question as to whether the obtaining of the counter-signatures was mandatory under the law, and that both the State Governments should abide by the Law Ministry's advice. The advice of the Law Ministry appears to have been communicated to the two State Governments by the letter of the Deputy Secretary, Ministry of Transport Government of India, dated 13th March, 1964 (Annexure RD). But there is nothing on the record to show that the agreement mentioned in the Minutes (Annexure RB) or the opinion of the Ministry of Law as expressed in Annexure Rd was treated as effective and acted upon by the two States. When we put the same to Shri Chhabil Dass, he produced a typed letter, dated 26th November, 1965, which purports to have been written by the Provincial Transport Controller, Punjab, to the Secretary, Regional Transport Authority, Jullundur/Ambala and Patiala. We have to observe here that this letter was not filed as an annexure to the reply filed by the Respondents 1 and 2 in opposition to the Writ Petition. Consequently, the petitioner had no previous notice that the Respondents 1 and 2 would rely on this letter, and had not sufficient opportunity to inspect the files of the Respondents 1 and 2 and file his reply of rejoinder regarding the said letter. We were therefore, reluctant to permit any reference to this letter. However, as the learned counsel for the petitioner, after reading the said letter, submitted that it does not support the contentions of the respondents, we permitted Shri Chhabil

Dass to refer to the said letter. The letter reads as under :-

"Office of the Provincial Transport Controller, Punjab, Chandigarh. To The Secretary, Regional Transport Authority, Jullundur/Ambala and Patiala. No. 141/TI/Agree dated Chandigarh the Subject :-Procedure of permit issuing authorities for countersigning the permits on behalf of other States. Memo. Continuation this office ends .No. 8815-17/TI dated 25th May, 1964 on the subject cited above. 2. The Secretary, State Transport Authority, Himachal Pradesh, Simla, has now agreed to obtain countersignatures for vehicles plying on Inter State routes with Himachal Pradesh as required u/s 63(i) of the Punjab Motor Vehicles Act. 1939. Accordingly from henceforth permits on Joint routes with Himachal Pradesh may please be issued and recommendations made to the Himachal Pradesh authorities for countersignature of the permits for Himachal Portion. 3. The permits recommended by the Himachal Pradesh Authorities may please be countersigned in accordance with the quote already agreed to and after Realizing necessary fee. This principle will also apply to the vehicles owned by the State Transport Undertaking in both the Covenanted States. The list of services operated by Punjab and H. P. Transport Authorities of Joint routes for which countersignatures are to be granted may be exchanged by Regional Transport Authorities with State Transport Authority in Himachal Pradesh. 4. The permit holders who are plying vehicles on the basis of temporary or regular permits be advised to obtain counter-signatures by 31st December, 1965, failing which prosecutions will be launched against them with effect from 1st January, 1966. sd/- for Provincial Transport Controller, Punjab." A reading of the letter shows that it was only at or about the date of the letter , viz., 26th November, 1965, that the State Transport Authority, Himachal Pradesh, Simla, agreed to obtain counter-signatures for vehicles plying on inter-State routes as required u/s 63(1) of the Motor Vehicles Act, as is clear from the words "has now agreed" and "accordingly from hence forth" in paragraph 2 of the letter, and "will also apply" and "counter-signatures are to be granted" in paragraph 3 of the letter, and "be advised to obtain counter-signatures by 31st December, 1965" in paragraph 4 of the letter. It has to be recalled that it was Shri Srivastava, the General Manager, Himachal Government Transport, that pointed out in the meeting held on 18th February, 1964 that counter-signatures were" not necessary in view of the agreements between Himachal and Punjab particularly the one arrived at before the Chairman. I.S.T.C. ? on 15th July, 1959 and 16th July, 1939". And, according to the letter, dated 26th November, 1965. referred to by Shri Chhabil Dass, the State Transport Authority. Himachal Pradesh agreed to obtain counter-signatures for vehicles plying on Inter-State routes as required under Section 63(1) of the Motor Vehicles Act, only at or about the date 26th November, 1965. It is thus clear that till 26th November, 1965 the parties did not come to any agreement regarding the counter-signatures. Therefore, the contention of Shri Chhabil Dass that there was a fresh agreement between the two States on 18th February ,1964, the date of the meeting (Annexure RB), or on 13th March, 1964, the date of the communication of the opinion of the Ministry of Law

(Annexure RD), to treat the previous agreement of 1959 as invalid cannot be accepted. It has to be held that at least till 26th November, 1965 both the States treated the agreement of 1959 as valid and subsisting.

(11) Shri Chhabil Dass then contended that it should be held that there was such a fresh agreement between the States from and after 26th November, 1965. In view of the aforesaid letter dated 26th November, 1965, and in view of the fact that the petitioner obtained countersignatures of the Himachal Transport Authority subsequent to the said date 26th November, 1965. But, by that date 26th November, 1965, the Secretary, Regional Transport Authority, Ambala, on behalf of the State Transport Commissioner, Punjab, had already issued the permit in question to the petitioner on 13th January, 1965 for a period of 5 years, i.e., valid up to 12th January, 1970. As held by us above, the agreement of 1959 was valid and subsisting on 13th January, 1965, the date on which the permit was granted to the petitioner. The permit has Therefore to be held to be a valid one and a valuable right had accrued to the petitioner under the said permit. Once a valuable right had thus accrued to the petitioner, the two States were not entitled to enter into an agreement between themselves so as to jeopardise the right of a third party like the petitioner. Therefore, even if there was an agreement between the two States, as suggested by Shri Chhabil Dass, such agreement cannot in law effect the right that accrued to the petitioner under the permit granted to him on 13th January, 1965, and the said right would remain effective till 12th January, 1970. There are provisions in the Motor Vehicles Act for revocation or cancellation of a permit, and once a permit is issued it can be revoked or cancelled only in accordance with the said provisions in the Act. It is not the case of the Respondents 1 and 2 that they got the permit revoked or cancelled in that manner.

(12) The circumstance that the petitioner obtained counter-signatures on his permit subsequent to 26th November, 1965 from the concerned Transport Authority of Himachal Pradesh cannot also affect his right under the permit. It has to be noted that in paragraph 4 of the letter dated 26th November, 1965 it was stated that the permit holders who are plying vehicles on the basis of temporary or regular permits be advised to obtain counter-signatures by 31st December, 1965, failing which prosecutions will be launched against them w.e.f. 1st January, 1966." Apparently, it was because of the threat in the letter, the petitioner obtained the counter-signature of the Himachal Transport Authority on 1st January, 1966. The said Himachal Transport Authority, however, countersigned only for the period from 1st January, 1966 to 31st December, 1966, and extended the counter-signature on 29th December, 1966 up to 31st January, 1967, and again extended the same up to 31st March, 1967, and then up to 31st May 1967, and then up to 30th September, 1967, and then up to 30th November, 1967, and then up to 31st January, 1968. According to the petitioner, the Himachal Transport Authority, refused to extend the counter-signature thereafter. The learned counsel for the petitioner contended that the said piecemeal extensions by the Himachal Transport Authority were illegal. It is, however,

not necessary to consider the validity of such piece-meal extensions .In the view taken by us that the permit granted to the petitioner was valid and effective up to 12th January, 1970 even without any counter-signature. It is sufficient to say that the said extensions of the counter-signature obtained by the petitioner could not and did not affect in any manner the right which accrued to him under the permit.

(13) The learned counsel for the petitioner contended that Section 74(1) of the Punjab Reorganized Act, 1966, provides that :-

"Not with standing anything contained in Section 63 of the Motor Vehicles Act, 1939, a permit granted by the State or a Regional Transport Authority in the Existing State of Punjab shall, if such permit was, immediately before the appointed day, valid and effective in any area therein, be deemed to continue to be valid and effective in that area after that day subject to the provisions of that Act as for the time being in force in that area and it shall not be necessary for any such permit to be counter-signed by any State or Regional Transport Authority for the purpose of validating it for use in such area. Provided that the Central Government may, after consultation with the State Government or Governments concerned, and to, amend or vary the conditions attached to the permit by the authority by which the permit was granted". that the permit of the petitioner being a valid and effective; one, the State Transport Authority, Himachal, could not change the condition of the permit and discontinue the operation of the vehicle of the petitioner and that it is only the Central Government that can change any condition of the permit after consultation with the concerned State Government or Governments. It is not necessary to deal with this contention in the view taken by us that even otherwise the permit granted to the petitioner is valid and effective up to 12th January, 1970.

(14) For the foregoing reasons, we hold that the permit granted to the petitioner on 13th January, 1965 was and is valid and effective up to 12th January, 1970, without any counter-signature by respondents 1 and 2, that the permit is binding on the respondents 1 and 2, that the respondents 1 and 2 are not entitled to stop the petitioner from plying his vehicle on the Kalka-Simla route, or to launch any prosecutions against the petitioner during the period of the permit on the ground of his plying his vehicle on the Kalka-Simla route during the aforesaid period. We accordingly allow the Writ Petition and direct the respondents 1 and 2 not to stop the petitioner from plying his vehicle on the Kalka-Simla route on the authority of the permit granted to him on 13th January 1965 up to 12th January 1970, and not to prosecute the petitioner on the ground of his plying his vehicle on the aforesaid route during the period of the permit. The petitioner is entitled to get his costs in the Writ Petition, which we fix at Rs. 200.00, from the respondents 1 and 2.

S.K. Kapur, J.

(15) I agree.