

(1955) 03 CAL CK 0012

In the Calcutta High Court

Case No : Civil Rule No"s. 3588, 3589, 3590 and 3846 of 1953 and 316 of 1954

Onkarmal Mistri and Others

APPELLANT

Vs

Regional Transport Authority, Darjeeling and Others

RESPONDENT

Date of Decision : 29-03-1955

Acts Referred:

Constitution of India, 1950 — Article 226

Motor Vehicles Act, 1939 — Section 55, 57(7), 64

Citation : AIR 1956 Cal 490 : 60 CWN 13

Hon'ble Judges : Sinha, J

Bench : Single Bench

Advocate : G.P. Kaar, Nirmal Chandra Chaudhury, Radhapada Banerjee and Surathi Mohan Sanyal, for the Appellant; Apurba Charan Mukherjee, Mihir Kumar Sarkar, Chandra Narain Laik, Ajit Kumar Banerjee and Samarendra Nath Banerjee, for the Respondent

Judgement

Sinha, J.—C. R. No. 3588 of 1953.

2. The facts in this case are shortly as follows: On or about 28-6-1953, the Regional Transport Authority, Darjeeling, Respondent 1, published a notice in the Himalayan Times published at Kalimpong, inviting applications for the grant of 17 permanent route-permits for public carriers, on the Siliguri-Kalimpong Route. The notice contained invitations for applications regarding several other routes but we are not concerned with that in this application. As many as 766 applications were received in respect of the 17 permits. One of the applications was by the petitioner Onkarmal Mistri. It appears from the petition that he has been carrying on transport business for a long time and had been transporting goods between Siliguri and Kalimpong from the period when bullock carts were used in conjunction with, the rail-cum ropeway system which was then used. Thereafter he had been running public carriers in the Siliguri-Kalimpong Route and had four vehicles, which, it is stated, are almost new and in perfect working order. For the purpose of plying these vehicles, the petitioner was being granted temporary permits from time to time. The petitioner has been acting as a contractor to the

Department of Civil Supplies, (now known as Food and Supplies Directorate) for transport of food stuff between Siliguri and Kalimpong. It is not disputed time the petitioner has several permits in routes other than the Siliguri-Kalimpong Route. The applications for the 17 permanent public carrier permits between Siliguri and Kalimpong, were considered by the Regional Transport Authority, Darjeeling, on 9-9-1953. The relevant part of the minutes of proceedings of that date reads as follows:

"In response to an advertisement issued in pursuance of resolution No. 15(a) of the R. T. A. meeting dated 28-5-53 calling for applications for the issue of 17 permanent public carrier permits between Siliguri and Kalimpong, as many as 766 applications were received after due publication of the list of applications. After examining all the applications it was resolved to issue permanent route permits for public carriers on Siliguri-Kalimpong Route to the following applications". This is followed by 17 names of persons who were granted permits, but it does not contain the name of the petitioner. These 17 persons have now been made parties to this Rule. The proceedings further state as follows:

"In the considered opinion of the R. T. A., the above persons are very deserving; they have no other transport permit and are in a position to secure the necessary funds for the purpose of purchasing the vehicles. Nos. 1 to 8 above have been selected from amongst the temporary permit holders on the route being considered most deserving. In selecting them the R. T. A. has also given due consideration to refugees, schedule tribes, political sufferers and backward hillmen Also resolved that Shri Onkarmal Mistri who has been running temporary public carriers on the routes since a long time as a food carrying contractor, be kept in the waiting list so as to be granted a permanent public carrier route permit in the event of any vacancy".

2. This Rule was issued on 3-12-1953 calling upon respondent 1 to show cause why a Writ in the nature of Mandamus should not be issued directing the said respondent to forbear from giving effect to the order dated 9-9-1953 complained of in the petition, and/or why the said order should not be cancelled or recalled and/or why a Writ in the nature of Certiorari should not be issued directing the said respondent to bring up to this Court all records and proceedings in the matter so that the order complained of may be quashed, and/or why a Writ in the nature of Prohibition should not be issued, or such further or other order or orders made, as to the Court may seem fit and proper. By an order dated 16-3-1954 respondents 2 to 18 were added as parties. On or about the 18/19-12-1953 the petitioner got by post a letter from the Secretary, R. T. A., Darjeeling, dated 5-12-1953 to the following effect :

"To

Shri Onkarmal Mistri P.O. Kalimpong (Dt. Darjeeling).

Ref: Your petition for a public carrier permit between Siliguri to Kalimpong.

R.T.A. in its meeting on 9-9-53 tables as many as 766 applications and considered in which your petition included.

In the considered opinion of the R.T.A. your case was not found deserving hence refused.

Secretary, Regional Transport Authority, Darjeeling.

3. Mr. Kar appearing on behalf of the petitioner has taken the following points: (1) That there has been a contravention of Section 55, Motor Vehicles Act, (Act 4 of 1939), inasmuch as respondent 1 took into consideration matters which are outside the scope of Section 55. (2) That there has been a violation of the provisions of Section 57(7) of the said Act, inasmuch as respondent 1 did not give the applicant reasons in writing for refusal. (3) That if the letter dated 5-12-1953 be considered to be a purported compliance with Section 57(7) of the said Act, then the reasons given therein are so vague that the same cannot be considered" as having complied with the law.

4. Mr. Mukherjee appearing on behalf of respondent 1 has taken two preliminary points. The first point is that there has been no demand of justice or a denial thereof. It is a well-established proposition of law that for the issue of a Writ in the nature of Mandamus, a demand for justice and its refusal is a condition precedent. In para 18 of the petition the petitioner makes a bare statement that the petitioner demanded justice from the respondent (meaning respondent 1), but the said respondent had refused to do anything, and that there had been a denial of justice. In the affidavit-in-opposition affirmed by Chandidas Chatterjee on 5-1-1954 (Para 17) there is a categorical denial that there had been any demand or denial of justice as alleged in para 18 of the petition. In the affidavit-in-reply, the statements in the petition have been reiterated. That being the position, I must hold that there is no satisfactory evidence before me that any demand for justice was made and refused prior to the making of this application. After all, respondent 1 is a Statutory-body, and a demand of justice from such a Statutory body would take the form of a letter or petition or something of that sort. Even if the petitioner had gone and seen the Secretary, that would not be an appropriate way of demanding justice from a statutory body. Had it been a question merely of a Writ in the nature of Mandamus, this would have been a fatal objection. Mr. Kar, however, says that he prays for a Writ in the nature of Certiorari and the relief he asks for is the quashing of the order of respondent 1 which is a quasi-judicial body. In the case of a Writ in the nature of Certiorari, prior demand of justice is not a condition precedent. If a quasi judicial body exercises its powers beyond its jurisdiction or assumes jurisdiction wrongly, or there is an error on the face of the proceedings, any person affect-ed can come up to this Court and have the order quashed and/or set aside, as a matter of right. The next preliminary point taken is that an appeal lay u/s 64 of the Act and as such there is an alternative legal , remedy and this Court should not interfere. There is no doubt that ordinarily this is the course that should be followed. The Motor Vehicles Act is a self-contained Act and where it prescribes a procedure for

appeal, that procedure should be followed. That however is not, and does not operate as an absolute bar to the jurisdiction of this Court. Mr. Kar has cited the Full Bench Case of Moti Lal and Others Vs. The Government of the State of Uttar Pradesh and Others, . In that case, notices were given to all permanent permit-holders of Buses that such permits would be deemed to be valid only up to 30-4-1946 and thereafter only temporary permits would be granted. In fact, only temporary permits were continued to be granted. Ultimately in 1950, notice was given to the effect! that all such temporary permits would cease to operate, as the State Government was going to run its own buses. A point was taken, that an application under Article 226 was not competent inasmuch as an appeal lay u/s 64. It was held however that Section 64 was not attracted, as the order complained of was not under the Motor Vehicles Act. The said Act did not contemplate either the granting of temporary permits continuously, or an order refusing to grant a permit to any one, except the State. The facts and circumstances of the present case are however some what different. In the present case, the order of refusal is made in the exercise of powers conferred by the Act, and must be deemed to be an order under or in pursuance of the Act. Mr. Kar then says that an appeal would be of no use as the reasons given are no reasons at all, and as such, does not enable his client to prefer an appeal. In this connection Mr. Kar has cited the case of Mannarghat Union Motor Services Ltd., Mannarghat, South Malabar Vs. Regional Transport Authority, Malabar and Others, . In that case, several persons applied for a permit to a route for a stage carriage. The R.T.A. passed the following order.

"Nos. 4, 9 and 15 do not press. Granted to M/s C. C. Automobiles Ltd. as the most suitable. Time for production of vehicles two months".

Subba Rao, J. stated as follows:

"But I cannot say that the second contention of the learned Counsel is without substance. It is now settled law and it has not been disputed either by the Government Pleader or the counsel for the fourth respondent that a Regional Transport Authority is a tribunal with a duty to exercise its jurisdiction judicially. Section 64, Motor Vehicles Act, confers a right of appeal to an aggrieved party against the order of a Regional Transport Authority to the Central Road Traffic Board. Section 57(7) of the Act specifically states that if a Regional Transport Authority refuses to issue a permit it must give in writing its reasons for its refusal. The provisions of the Act indicate beyond any reasonable doubt that a Regional Transport Authority should give reasons to the issue of a permit clearly in such manner that an Appellate Court may be in a position to canvass the correctness of the reasons given by it. Otherwise the right of appeal conferred by the Act will become otiose".

"The reason given by the Regional Transport Authority is a curious one. It says that the fourth respondent is the most suitable man. No Appellate Court can question the correctness of such a general statement. A person may be suitable for many reasons -- reasons with which one Court may agree and another may

disagree. It is incumbent upon such a tribunal whose order is subject to appeal to give reasons succinctly for its order to enable the Appellate Court to test the correctness of that finding. I cannot, therefore, hold that the reason given by the Regional Transport Authority is a reason contemplated by the provisions of the Act".

5. I respectfully agree with the observations made by the learned Judge. Mr. Mukherjee has argued that if there was a large number of applicants and only a small number of permits are to be granted then necessarily it follows that only some of the applicants will get permits, which will be refused to others, and he says that the very fact that the permit is granted to some, is a sufficient reason for refusing it to others, and that it is a sufficient compliance with Section 57 (7) of the Act to say that an application for a permit was refused because the applicant was not "deserving". He further says that the appeal u/s 64 is to be deemed to be an appeal against the order of the R.T.A. contained in the minutes of 9-9-1953 & would have nothing to do with the reasons given to the petitioner u/s 57(7). I am unable to accept either of these contentions. It is a fundamental right of a citizen to carry on any trade or business which he likes. The Motor Vehicles Act curtails that right in so far as the carrying on of the business is concerned relating to public carriers, stage carriages etc. In order to carry on such a business, permits and licenses, etc., have to be obtained which are necessarily limited in number. The acceptance or refusal of a permit is, therefore, of the greatest importance to a citizen, inasmuch as it is determinative of the fact as to whether he would be able to carry on the business of his choice at all or "not. The restrictive legislation namely, the Motor Vehicles Act, can only be justified on the ground that it imposes a reasonable restriction. Its provisions therefore must be strictly followed. As was pointed out in the Full Bench Case cited above "Moti Lal v. Govt. of the State of U. P.", (A) (Supra), a wholesale order, namely, that no permanent permit should be granted to any one after a certain date is illegal and cannot be supported. Every applicant for a permit under the Act is entitled to demand that his application should be specifically considered in accordance with the provisions of law laid down in the Act. Each such application must be taken up and considered by the Authorities concerned and the procedure followed must be the procedure laid down in the Act and the Rules framed under it. The Act lays down in Section 57 (7) that in the event of a refusal, the Authority shall give the applicant in writing its reasons for refusal. Such reasons must therefore be specific reasons. The applicant must not be left to infer from the facts and circumstances as to why his application has been turned down. He is entitled to know as a fact the reason as to why it was turned down. In the Madras Case cited above, it was held that, to say that one applicant was "suitable" was entirely vague and not in compliance with the provisions of the Act. In my opinion, to say that an applicant was not "deserving" is equally vague. Section 64 of the Act gives to any person aggrieved by the refusal of the Regional Transport Authority to grant a permit, a right of appeal to the prescribed authority. There is nothing to show that the appeal must be restricted to the

minutes of the proceedings at which the Regional Transport Authority grants or refuses any permit. No doubt this is the primary document where one should look of reasons for such a refusal. There is however nothing to prevent the R. T. A. from supplementing the minutes, by giving their reasons in individual cases contained in communications addressed to them in dividedly. In such cases, the Appellate Tribunal would have to consider as to what happened at the meeting of the R. T. A., as also the reasons given in the individual communications made. Let me now consider the reasons given by the R. T. A. as also the reasons given in the individual communications made. Let me now consider the reasons given by the R. T. A. in these documents. In the minutes of the proceedings, the R. T. A. commences by saying that the seventeen candidates whose names are set out (being respondents 2 to 18) were "very deserving". The first reason given is that they had no permits. The second reason given is that they were in a position to secure the necessary funds for purchasing vehicles. Then with regard to eight of the candidates, it is said that they were considered "most deserving". It is said that in selecting them due consideration had been given to refugees, scheduled tribes, political sufferers and backward hillmen. It is then said that the petitioner should be kept in the waiting list. In the letter dated 5-12-1953, it is said that a permit was refused to him because he was not "deserving". The point is whether upon these materials it can be said that the R. T. A. took into consideration all the ingredients of Section 55 and whether the petitioner was in a position to know why his application was turned down, so that he could prefer an appeal u/s 64. With regard to the successful candidates as a whole two reasons have been put forward to show that they were "most deserving". The first reason is that none of them had permits. If this means that it was intended to break down monopolies and to encourage new entrants, there is no objection to this. At the hearing of this application it was said that the petitioner had many other permits, so it was considered undesirable to grant him a further permit. It is unfortunate that no such reason has been mentioned anywhere. The second reason is wholly a sympathetic reason. If the successful applicants had the means to buy vehicles, the petitioner already had two excellent vehicles, plying on the route. If however the matter rested there, the matter might have been different. The granting of permits is discretionary and it was held in "Veerappa Pillai Vs. Raman and Raman Ltd. and Others", that even if a person was duly qualified, the R. T. A. was not bound to grant a permit. But this does not mean that it can exercise its discretion arbitrarily. With regard to eight of the successful applicants, the R. T. A. took into consideration matters which were utterly irrelevant and beyond the scope of Section 55. The R. T. A. does not even say which of the candidates belonged to any of the categories mentioned, or if any of them belonged to any of the categories. Unless this is stated no one is in a position to take objection upon this ground. Lastly we come to the letter dated 5-12-1953 which uses the cryptic statement that the petitioner was found "not deserving". It is not said why he was not deserving or what were his shortcomings which found fulfilment in the successful candidates. It may be that what was meant was that the petitioner did not possess the qualifications which

would at all enable him to maintain an application for a permit, or it may be that his case was turned down because he had other permits, or for a host of other reasons, upon which no one can speculate. In my opinion the reasons given are so vague that an appeal by the petitioner would have been futile. The Appellate Court could not possibly decide why the petitioner was not deserving and/or why the successful candidates were found deserving. The power of this Court to interfere by a Writ of Certiorari is not limited absolutely to cases where there is no alternative remedy. That remedy must be adequate, and likely to grant relief to the aggrieved person. Further, where there is an error on "the face of the proceedings, this Court has ample jurisdiction to interfere. The order is a "speaking order", and as I shall -presently point out, the R. T. A. has taken into consideration, materials which it is not entitled to do. In several cases, that have come up before me I have found that very little regard is being given to the provision of Section 55 (or Section 47) of the Act, and that orders are being made by taking into consideration extraneous and irrelevant matters. It is therefore necessary to intervene so that it might become known as to what are the limitations for statutory body like the R. T. A. in the matter of considering applications for permits and in granting or rejecting them. I hold therefore that this application is competent.

6. I shall now proceed to consider the points made by Mr. Kar. I shall first deal with point No. 1. As will appear from the minutes of the proceedings, respondent 1 took into consideration the fact as to whether some of the applicants are "refugees, scheduled tribes, political sufferers and backward hillmen". The question is whether in view of the provisions of Section 55, it is open to the R. T. A. to take into consideration matters such as these. In "Veerappa Pillai's case" mentioned above " AIR1953 SC 192 (C)", it has-been held as follows :

"The Motor Vehicles Act is a statute which creates new rights and liabilities and prescribes an elaborate procedure for their regulation. No one is entitled to a permit as of right even if he satisfies all the prescribed conditions. The grant of a permit is entirely within the discretion of the transport authorities and naturally depends on several circumstances which have to be taken into account.. The Regional Transport Authority and the Provincial Transport Authority are entrusted u/s 42 with this power. They may be described as administrative bodies exercising quasi-judicial functions in the matter of the grant of permits. Under Rule 3,. Madras Motor Vehicles Rules, the Regional Transport Authority is called the Road Traffic Board and. the Provincial Transport Authority is called the. Central Road Traffic Board. These bodies or authorities are constituted by the Provincial Government. The matters which are to be taken into account in granting or refusing a stage carriage permit are specified in Section 47."

7. Section 55 is the counterpart of Section 47, so far as a public carrier's permit is concerned. Mr. Mukherjee has advanced the following argument upon this point. He says that Section 54 deals with an application for a public carrier's permit. Section 55 relates to procedure of the Regional Transport Authority in

considering applications for a public carrier's permit. He says that this is the procedure-that is to be followed in deciding the route. He then comes to Section 56 and points out that the section lays down that "after consideration of the matters set forth in Section 55", the R. T. A. might limit the number of vehicles and attach conditions. According to Mr. Mukherjee, after the determination that there should be a particular route, the provisions of Section 55 are exhausted and need not be considered at any subsequent stage, and certainly not in respect of Section 57, which lays down the procedure relating to individual applications. According to Mr. Mukherjee, there are no limitations whatsoever applicable to the Regional Transport Authority In considering the applications of individuals. " Mr. Mukherjee relied on a decision of the Rajasthan" High Court "Dholpur Co-operative Transport and Multipurpose Union Ltd. v. Appellate Authority Rajasthan" AIR1955 Raj 19 (D), where it was held by Wanchoo C. J., that the conditions laid down in Section 47 are not necessarily exhaustive in detail and in deciding between one applicant and another the Regional Transport Authority or the Appellate Authority may well consider other allied matters. If this means that it is at liberty to consider matters outside Section 47 or Section 55, as the case maybe. I respectfully beg to differ from this decision,. which is contrary to "Veerappa Pillai's case (C)", mentioned above. In my opinion, the granting of a permit includes the successive stages from when it is decided to have a route, up to the time when an individual application made for a permit in respect of that route, is allowed or rejected. Sections 54, 55 and 56 deal with applications for permits in respect of a public carrier. Section 54 lays down the contents of an application. Section 56 grants power to the R. T. A: to restrict the number of transport vehicles within a specified area, or a route,, or to attach conditions thereto. The words "after consideration of the matter set forth in Section 55" do not mean that in exercising its powers u/s 53, the R. T. A. is not called upon to take recourse to Section 55, but the meaning is quite the contrary, namely, that in exercising its powers u/s 56, the R. T. A. must consider the matters set forth in Section 55. Section 57 Jays down the procedure in applying for and the granting of permits. That means permits of all kinds. Section 55 lays down the subjects which the Regional Transport Authority must consider in respect of an application for a public carrier's permit. The consideration of the matters delineated therein is mandatory. It is not open to the R. T. A. to leave out any of the headings mentioned therein from consideration or to include headings which are not mentioned therein. Therefore, it would be fatal either to leave out one of the matters which must be considered under the-section and such as arise in a given case, and equally fatal to consider matters extraneous to that section.

8. in "Moti Lal v. Govt. of the State of U. P. (A) (Supra), Sapru, J,, said as follows:

"I am satisfied, however, from the affidavits and the notice of Government that the operative and indeed the sole reason for refusing regular permits and giving temporary permits was the nationalisation policy of the Government and the introduction of roadways. Clearly those were matters which the Regional Transport Authority was not entitled to take into consideration in deciding

whether the permits should or should not be granted. The only matters which it could take into account were the matters specified in Section 47(1)(a) to (f). Motor Vehicles Act. The section had left no discretion to the Regional Transport Authority to take into account any other matter save that after he had taken the matters referred to in Section 47(1)(a) to (c) into consideration, he could also take matters enumerated in Section 48 of the Act into account. As Section 48 has been set out above, I need not quote it here. I am clear in my view that it was not open to the Regional Transport Authority to allow itself to be influenced by any such extraneous consideration as the nationalisation policy of the Government or the introduction of the roadways".

"..... The law, as I understand it, is that if people who are under a statutory duty to exercise a public duty, by exercising their discretion, take into account matters which are extraneous, then in the eye of law they have not exercised their discretion. They must fairly exercise their discretion and not take" into account any reason which is not a legal reason".

"....The duty cast on the Regional Transport Authorities is of a mandatory nature as the word "shall" in Section 47 has a compulsory force and leaves no residuary powers in it".

9. For our present purposes, we might substitute Sections 55 and 56 for Sections 47 and 48. The question therefore is whether the R. T. A. was justified in taking into consideration whether any of the applicants were refugees, scheduled tribes, political sufferers and backward hillmen. Although Mr. Mukherjee has not argued this, I must consider whether it comes under Clause (a) of Section 55, namely, "Interests of the public generally". If it means the interests of the general public, meaning the public in any part of the Indian Union, then there might be ground for saying that these matters do come u/s 55(a). In *Sri Rama Vilas Service, Limited Vs. The Road Traffic Board, (E)*, Gentle, C. J., held that the words "interests of the public" which are found in the Act, relate to the interests of the travelling public for whose convenience and need stage carriages are provided. I respectfully agree with the learned Judge. The "interests of the public", as mentioned in the Act, cannot include matters which have nothing to do with the interests of the public which was going to use the Motor Vehicles in question, or such as are wholly unconnected with the user of the roads or the transport system which was under consideration of the R. T. A. in the given case. It seems to me quite obvious that in considering whether to grant permits or not in a particular route, the R. T. A. cannot be permitted to take into consideration matters which are totally unconnected with the particular subject matter which is under consideration. Supposing the R. T. A. said that permits would be granted only to those who contributed to the Assam Flood Relief Fund, or to the All India Tuberculosis Fund, then, however commendable the object may be, I do not think that such a decision could be maintained for a moment. These are matters which have nothing" to do with the interests of the public that are going to use the transport system between Siligurl and Kalimpong, here, the R.T. A. has given

consideration, to refugees, scheduled tribes, political sufferers and back-waru hillmen. It is not said that there is any connection between these classes of persons and the public that uses the particular route, it is not at all clear how the interests of such a public could be served of preferring refugees or political sufferers who are most likely to lack resources, or by granting permits to scheduled tribes or backward hillmen who would be most likely to lack in efficiency. The H. t. a. is a statutory body whose duty is to ensure that the public is provided with a system of public carriers stage carriages, etc., of the maximum efficiency. I do not think it would be permissible to import wider considerations of politics or philanthropy and the like, which, while highly commendable from other points of view, have nothing to do with the efficient running of such services, These considerations are relevant in directing the policy of the State, but would be irrelevant and inappropriate considerations for a body like the R. T. A.

10. I hold therefore that the R. T. A. has taken into consideration matters which it is not entitled to do u/s Section 55 the Act, and therefore the discretion used by it has not been a proper use, and has vitiated the selection of the respondents Nos. 2 to 18, in granting them permits between Siliguri and Kalimpong it is unnecessary for me, and indeed it would be improper, to go into the merits of the different applicants. The matters must be considered afresh by the R. T. A. and its discretion must be exercised lawfully.

11. With regard to the second point made by Mr. Kar I do not think it can be said that respondent 1 did not give any reasons in writing to the petitioner for its refusal to grant him a permit, it is true that no such reason was given before this application was made, and the Rule was issued. But such reasons were contained in the letter dated-5-12-1953. There is no time limit for giving the reason and it may be given within any reasonable time. The third point of Mr. Kar however is of substance. As I have already stated above, the reason given is too vague and inadequate and is not in conformity with the provisions of Section 57 (7). If however that was the only defect in the order, it would not have been necessary to set aside the order of the R. T. A. but it would have been sufficient merely to direct that it should have given sufficient reasons in conformity with Section 57(7). I have held however that the order is invalid by reason of a violation of the provisions of Section 55 of the Act. I might mention here that at one time I suggested that the application be kept in abeyance and the matter be reconsidered by the R. T. A. in due compliance with the law, and in the meantime the respondents Nos. 2 to 18 should carry on as they are doing now. The matter was adjourned for consideration of the suggestion by the parties but I regret to say that nothing came out of it.

12. For the reasons aforesaid, this Rule must be made absolute and there must be issued a Writ in the nature of Certiorari quashing the order of respondent 1 dated 9-9-1953 complained of in the petition. The matter will now go back to the R. T. A., Darjeeling, to deal with the applications in accordance with the law and immediately after an order has been made in accordance with law, the

respondents are restrained from giving effect to -the order dated 9-9-1953. I do not restrain respondents Nos. 2 to 18 from carrying on the service-meanwhile, as it would not be to the public interests to have the service totally stopped. The R. T. A. must however act expeditiously.

13. I stay/ the operation of this order for a period of a fortnight from date to enable the respondents to prefer an appeal. I make 110 order as to costs.

14. Civil Revision Nos. 3589/53, 3590/53, 3846/ 53 and 316 of .1954. In these matters the facts are similar and the law is the same as in C. R. No. 3588 of 1953.

15. For the reasons given therein in my judgment, these Rules must also be made absolute and a Writ in the nature of Certiorari will issue in each of the above matters quashing the order of respondent 1 complained of.

16. The rest of the orders will be the same as in C. R. No. "3588 of 1953.