
(1994) 01 P&H CK 0037
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 11299 of 1992

State of Punjab

APPELLANT

Vs

Patiala Bus Highways (P) Ltd. and Others

RESPONDENT

Date of Decision : 27-01-1994

Acts Referred:

Constitution of India, 1950 — Article 226
Motor Vehicles Act, 1988 — Section 89

Citation : (1994) 106 PLR 708

Hon'ble Judges : S.K. Jain, J;G.R. Majithia, J

Bench : Division Bench

Advocate : G.K. Chatrath, A.G, for the Appellant; H.S. Sawhney and Jasleen Sawhney, for the Respondent

Judgement

G.R. Majithia, J.—This judgment disposes of C.W.P. No. 11299, 11585, 11373, 11383, 8110 & 8111 of 1992 (filed by the State of Punjab) and C.W.P. No. 9848, 9182, 9186, 9228, 9226 and 9187 of 1992.

2. The State of Punjab has challenged the order of the State Transport Appellate Tribunal, Punjab (for short, the Tribunal) passed in various appeals preferred by the transport operators against the order of the State Transport Commissioner, Punjab Granting route permits.

3. C.W.P. No. 9848, 9182, 9186, 9228, 9226 and 9187 of 1992 have been moved by private transporters for giving effect to the orders of the Tribunal.

4. The State Transport Commissioner, Punjab, after following the procedure prescribed, granted route permits on various routes to the Pepsu Road Transport Corporation and other operators. Being aggrieved against his orders, the private transporter preferred appeals to the Tribunal. The Tribunal allowed the appeals and modified the orders of the State Transport Commissioner and granted route permits in favour of the private respondents in C.W.P. No. 11299, 11585, 11373, 11383, 8110 and 8110 of 1992. The Pepsu Road Transport Corporation, which

was the person aggrieved, did not challenge the orders of the Tribunal.. The State of Punjab did not apply for any of the disputed permits. It was not aggrieved against the orders of the State Transport Commissioner and did not challenge the same.

5. The question of jurisdiction of the State of Punjab to challenge the orders of the Tribunal was decided by a Bench of this Court in Civil Writ Petition No. 14400 of 1992 (State of Punjab v. New Akal Land and Finance Pvt. Ltd., Ludhiana and Anr.), decided on November 24, 1992, where it was observed thus :-

" This writ petition deserves to be dismissed on various grounds. State of Punjab did not claim any of the permits which were advertised. Punjab Roadways, Ludhiana, was one of the contenders but no appeal was filed against the order of the State Transport Commissioner before the Appellate Tribunal by the Punjab Roadways, Ludhiana. Thus, State of Punjab could not challenge the order of the State Transport Commissioner or of the Appellate Tribunal straightaway in this writ petition."

6. The view taken by the Bench in CWP No. 14400 of 1992 is without any exception. We respectfully follow the same.

7. Consequently, C.W.P. Nos. 11299, 11585, 11373, 11383, 8110 and 8111 of 1992 filed by the State of Punjab are dismissed being not maintainable.

8. C.W.P. No. 9848, 9182, 9186, 9228, 9226 and 9187 of 1992, filed by the private transport operator are allowed and a direction is issued to the respondents to give effect to this judgment.