

(2006) 08 P&H CK 0147

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 2892 of 2005

Baljit Singh and Another

APPELLANT

Vs

State Transport Commissioner
and Others

RESPONDENT

Date of Decision: Aug. 11, 2006

Hon'ble Judges: Pritam Pal, J; Jasbir Singh, J

Bench: Division Bench

Advocate: H.S. Sawhney and Rajinder Sharma, for the Appellant; P.S. Chhinna, Addl. A.G.
and Baldev Kapoor, for the Respondent

Final Decision: Allowed

Judgement

Jasbir Singh, J.

Vide order dated 26.12.1995 (Annexure P/1), a Stage Carriage Permit, to ply bus on Dhuri - Samana route was granted in favour of one Bhupinder Singh. The said order was challenged by respondent No. 3 before the State Transport Appellate Tribunal, Punjab, Chandigarh (hereinafter referred to as "the Tribunal"). The said Bhupinder Singh was proceeded ex-parte, appeal was allowed vide order dated 9.11.2004 (Annexure P/4) and directions were issued to Regional Transport Authority to issue a permit in favour of respondent No. 3, within three months of receipt of a certified copy of the order, referred to above. Petitioners, who are transferees from Bhupinder Singh, have filed this writ petition. It is their case that under a valid order, the permit in question was transferred in their name on 22.2.2003. As they were not impleaded as a party, so they could not present their case. Bhupinder Singh, definitely, after the transfer, was not interested, as such he failed to appear before the Tribunal.

2. Before this Court, it has been said by counsel for both the parties that against the grant of stage carriage permit to Bhupinder Singh, no other applicant except respondent No. 3, had preferred an appeal.

3. Shri Baldev Kapoor, counsel for respondent No. 3, has made a statement before this Court that he has no objection in case permit granted to Bhupinder Singh, which has now been cancelled by the Tribunal, is regularised in favour of the petitioners and the order passed by the Tribunal be set-aside.

4. Shri Chhinna, counsel for the respondent-State has failed to show anything as to why the prayer made be not granted. In view of the prayer made by counsel for respondent No. 3, this writ petition is allowed and the order dated 9.11.2004 (Annexure P/4) passed by the Tribunal, is set-aside and the stage carriage permit, granted in favour of Bhupinder Singh, vide order Annexure P/1 and transferred in favour of the petitioners, is ordered to be regularised in favour of the petitioners.