



**CWP-9425-2014 & connected cases -1-**

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**306 (03 cases)**

**CWP-9425-2024**

**Date of Decision :20.03.2025**

**Subhakashdeep Singh**

**...Petitioner**

**Versus**

**State of Punjab and others**

**..Respondents**

**CWP-10671-2024**

**Puneet Bus Service Regd. Mansa**

**...Petitioner**

**Versus**

**State Transport Appellate Tribunal, Punjab and others**

**...Respondents**

**CWP-19547-2024**

**Laddi Bus Service Regd. Bathinda**

**...Petitioner**

**Versus**

**State Transport Appellate Tribunal, Punjab and others**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Manuj Nagrath, Advocate for the petitioner  
in CWP-9425-2024.

None for the petitioner in CWP-10671-2024.

Mr. Lekh Raj Sharma, Advocate for petitioner



**CWP-9425-2014 & connected cases -2-**

in CWP-19547-2024 and for respondent No.5  
in CWP-9425-2024.

Mr. Malkiat Singh, DAG, Punjab.

Mr. Rajinder Sharma, Advocate  
for respondent No.6 in CWP-9425-2024  
for respondent No.5 in CWP-19547-2024 &  
for respondent No.3 in CWP-10671-2024.

Mr. Anupam Singla, Advocate for respondent-PRTC.

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**Harsimran Singh Sethi, J. (Oral)**

1. In the present bunch of petitions, the challenge is to the order dated 04.03.2024 (Annexure P/8) passed by the State Transport Appellate Tribunal by which, the permit qua the route of Mansa to Bathinda, which was issued in favour of the petitioner-Subhakashdeep Singh has been cancelled and the same has been temporarily issued in favour of M/s Laddi Bus Service, Regd. Bathinda i.e. the petitioner in CWP-19547-2024.
2. The prayer in the petition filed by the petitioner-M/s Laddi Bus Service, Regd. Bathinda (CWP-19547-2024) is that rather than allocating the temporary permit in favour of petitioner-M/s Laddi Bus Service, Regd. Bathinda after withdrawing the same from the petitioner- Subhakashdeep Singh, the same should have been given to the petitioner-M/s Laddi Bus Service, Regd. Bathinda on regular basis instead till the same is claimed by any of the State Transport Undertaking.
3. Certain facts needs to be mentioned for the correct appreciation of the issue in hand.
4. A public notice was issued by the State Transport Commissioner dated 06.09.2021 (Annexure P/2) inviting applications for



**CWP-9425-2014 & connected cases -3-**

the grant of permits on various routes. In the present petitions, the route in question was mentioned at Sr. No.48 of the public notice dated 06.09.2021 (Annexure P/2) i.e. from Mansa to Bathinda via Mussa, Talwandi, Kotshmir.

5. It may be noticed that the number of permits to be granted on the said route were three. Out of the total three route permits, 60% permit were to be granted to the private operators and 40% to the State Transport Undertaking i.e. out of total 03 permits, 02 permits are to be granted to the private operators and 01 permit is to be granted to the State Transport Undertaking. Keeping in view the applications filed, 25 applications which were found in order, have been considered by the State Transport Commissioner for the allotment of the permits. It may be noticed that none of the State Transport Undertaking filed an application for the grant of permit qua the said route.

6. Thereafter, evaluation of 25 applications was done by the State Transport Commissioner for the grant of permit on the route in question and an order was passed by the State Transport Commissioner on 27.12.2021(Annexure P/5) granting all the three permits in favour of private operators and the successful applicants were, Anshika Arora, M/s Nirvair Motors and Subhakashdeep Singh.

7. The grant of permit by the State Transport Commissioner vide order dated 27.12.2021(Annexure P/5) was challenged by petitioner-Laddi Bus Service, Regd. Bathinda by filing an appeal before the State Transport Appellate Tribunal. The said appeal came to be decided by the State Transport Appellate Tribunal vide impugned order dated 04.03.2024



**CWP-9425-2014 & connected cases -4-**

(Annexure P/8) whereby, the Appellate Tribunal has held that as out of the 03 permits, one permit was necessarily to be granted to the State Transport Undertaking but, as no application was filed by the State Transport Undertaking, 03 permit could not have been granted on regular basis. Further, the State Transport Appellate Tribunal after reevaluating the merit of the applicants came to the conclusion that M/s Laddi Bus Service Regd. Bathinda was more meritorious than Subhakashdeep Singh and hence, one permit which was to be granted to the State Transport Undertaking has been temporarily granted to M/s Laddi Bus Service Regd. Bathinda, after withdrawing the permit from Subhakashdeep Singh.

8. In the present petitions, the said order of the Appellate Tribunal dated 04.03.2024 (Annexure P/8) is under challenge on various ground.

9. CWP-9425-2024 has been filed by petitioner-Subhakashdeep Singh on the grounds that once the State Transport Commissioner after evaluating the merit of all the candidates found the petitioner-Subhakashdeep Singh as one of the meritorious candidate to be granted one permit out of the total three permit on the route in question, the State Transport Appellate Tribunal has wrongly appreciated the merit of petitioner-Subhakashdeep Singh to hold that M/s Laddi Bus Service, Regd. Bathinda was more meritorious to be granted permit, which is arbitrary and illegal.

10. Learned counsel for the petitioner-Subhakashdeep Singh further submits that under any circumstances, the petitioner-Subhakashdeep Singh was one of the meritorious candidate and in case, the merit of all the candidates was to be re appreciated, the merit of the petitioner-



**CWP-9425-2014 & connected cases -5-**

Subhakashdeep Singh should have also been reevaluated qua the other candidate i.e. Anshika Arora and as Anshika Arora never appeared to claim the permit by participating in the meeting which was called to evaluate the merits of the applicants makes it clear that she was not interested in the permit, though, the same was granted to her by the competent authority hence, in case, one permit granted to the private operators was supposed to be cancelled which was to be reserved for the State Transport Undertaking, the permit granted in favour of Anshika Arora should have been cancelled rather than cancelling the permit granted to the petitioner-Subhakashdeep Singh. Learned counsel for the petitioner-Subhakashdeep Singh argues that the claim for the grant of permit in favour of Anshika Arora had already been rejected by the State Transport Commissioner while passing the order dated 27.12.2021 (Annexure P/5) hence, the said fact should have been kept in mind by the Appellate Tribunal while passing impugned order dated 04.03.2024 (Annexure P/8). Learned counsel for the petitioner-Subhakashdeep Singh further argues that the contender for the permit was M/s Laddi Bus Service, Regd. Mansa whereas, the appeal was preferred by M/s Laddi Bus Service, Regd. Bathinda. Hence, the said appeal could not have been entertained even otherwise and there was also delay in filing the said appeal.

11. I have heard learned counsel for the parties and have gone through the record with their able assistance.

12. With regard to writ petition No.9425-2024, it may be noticed that the order passed by the State Transport Commissioner granting all the three permits in favour of the private operators, has been discussed by the



**CWP-9425-2014 & connected cases -6-**

State Appellate Tribunal in the impugned order dated 04.03.2024 (Annexure P/8) wherein, a finding has been recorded that as per the settled principle of law settled by the Hon'ble Supreme Court of India in *Punjab Roadways Moga Through General Manager vs. Punjab Sahib Bus Transport Co. and others, 2010 (5) SCC 235*, the permit which was reserved for State Transport Undertaking cannot be granted permanently in favour of private operator otherwise, the same will violate the quota fixed between the private operators and the State Transport Undertaking hence, only two permits could have been granted to the private operators and at the most the permit reserved to be given to the State Transport Undertaking could have been granted temporarily to the private operators.

13. After recording the said finding, the Appellate Tribunal decided *inter se* claim of the applicants qua the two permits which were to be granted to the private operators. It has been recorded that keeping in view the merits, Anshika Arora, who is a 22 years old woman and is graduate but unemployed is a better suited candidate as she is financially sound. The second permit which was granted to the private Operator is M/s Nirvair Motors after the Appellate Tribunal has evaluated the merit of the said applicant also, which has been detailed in para-6 of the impugned order.

14. The merit of the petitioner-Subhakashdeep Singh has also been discussed and held that keeping in view the merit of Anshika Arora and M/s Nirvair Motors, the petitioner-Subhakashdeep Singh is to be treated as a least meritorious out of the three. It has been mentioned that petitioner-Subhakashdeep Singh, who is only 18 years old and is only 7<sup>th</sup> class passed is not more meritorious than Anshika Arora and M/s Nirvair Motors hence,



**CWP-9425-2014 & connected cases -7-**

the grant of permit in favour of petitioner-Subhakashdeep Singh was held to be bad keeping in view the fact that said permit was supposed to be granted to the State Transport Undertaking.

15. The Appellate Tribunal further held that till any State Transport Undertaking claims the permit, the same can be granted provisionally to the private operator. The appeal filed by M/s Laddi Bus Service, Regd. Bathinda was looked into and the inter se merit between the petitioner-Subhakashdeep Singh and M/s Laddi Bus Service, Regd. Bathinda was considered for the said provisional permit. After considering the said *inter se* merit, the Appellate Tribunal recorded a finding that out of these two, M/s Laddi Bus Service, Regd. Bathinda is better suited to hold the permit temporarily till the same is claimed by any State Transport Undertaking.

16. Prima facie, this Court does not find any illegality or irregularity in the said findings recorded by the Appellate Tribunal in the impugned order dated 04.03.2024 (Annexure P/8).

17. Now adverting to the argument of the learned counsel for the petitioner-Subhakashdeep Singh that the State Transport Commissioner while granting the permit, has recorded certain facts that Anshika Arora never came present to press her claim and hence, the same was rejected though, in the subsequent portion of the said order, Anshika Arora was found more meritorious to be granted the permit hence, the order passed by the State Transport Commissioner is contradictory as at one given point of time, the claim of the Anshika Arora was rejected and in the later part of the order, said Anshika Arora was granted the permit.

18. It may be noticed that though, factually what the learned



**CWP-9425-2014 & connected cases -8-**

counsel for the petitioner-Subhakashdeep Singh submits is correct that at one given point of time, the claim of the Anshika Arora was rejected on the ground that she was not present to press her application but, it is also a conceded position that in the ultimate order her merit has been considered and discussed and ultimately she has been granted permit. The contradiction in the order will not take away the right of Anshika Arora to be an eligible candidate for the grant of permit. The authorities should have been careful in dictating the order as per the proceedings rather than committing irregularities. Learned counsel for Anshika Arora submits that she was present to press her claim and her claim has rightly been considered and evaluated by the authorities and found most suitable. Keeping in view the totality of the circumstances that claim of Anshika Arora was considered and found most suitable not only by the Transport Authorities but by the Appellate Tribunal, the same needs no interference by this Court on mere contradiction in the order granting permits.

19. Further, the *inter se* merit of the petitioner-Subhakashdeep Singh and Anshika Arora has been reevaluated by the Appellate Tribunal.

20. A bare perusal of the same would show that a lady, who is 22 years old and is graduate and unemployed but financially sound has been treated as a better candidate to hold the permit rather than the petitioner-Subhakashdeep Singh, who is 18 years old and is only 7<sup>th</sup> passed.

21. Learned counsel for the petitioner-Subhakashdeep Singh has not been able to dispute the said fact. Hence, the grant of permit to an unemployed young lady, who was financial sound and could use the permit to the best extent possible has rightly been placed over and above the



**CWP-9425-2014 & connected cases -9-**

petitioner-Subhakashdeep Singh. Hence, the said finding of the Appellate Tribunal needs no interference at the hands of this Court.

22. Further, with regard to the argument of learned counsel for the petitioner-Subhakashdeep Singh that petitioner-M/s Laddi Bus Service, Regd. Bathinda should not have been placed over the above the petitioner-Subhakashdeep Singh for the grant of temporary permit also as the appeal was preferred by another entity than the one who was competing for the permit, it may be noticed that no such factual aspect has been brought to the notice of the Appellate Tribunal or before this Court that there exists two different entities under the name of M/s Laddi Bus Service, Mansa and M/s Laddi Bus Service, Bathinda. In the absence of any such concrete proof before this Court, it cannot be said that the appeal filed by M/s Laddi Bus Service, on the basis of which, the impugned order dated 04.03.2024 (Annexure P/8) was passed, was not maintainable in any manner.

23. In the other writ petition, which has been filed by M/s Laddi Bus Service, Regd. Bathinda, it has been argued that M/s Laddi Bus Service, should have been granted a regular permit instead of temporary permit. As noticed hereinbefore, as per the settled principle of law settled in ***Panjab Sahib Bus Service (supra)*** has not been disputed. Even if, a permit is reserved for the State Transport Undertaking and no State Transport Undertaking has applied for the permit, the said permit can only be granted to the private operator temporarily and not permanently. Once, the said principle of law has not been rebutted, the claim of the M/s Laddi Bus Service, Regd. Bathinda that the said appellant should have been granted a regular permit instead of temporary permit, cannot be accepted.



**CWP-9425-2014 & connected cases -10-**

24. Learned counsel appearing for the M/s Laddi Bus Service, Regd. Bathinda submits that once, there was three permits to be granted, the claim of M/s Laddi Bus Service, Regd. Bathinda should have been evaluated qua the other two claimants i.e. Anshika Arora as well as M/s Nirvair Motors to point out who should be at Sr. No.3.

25. It may be noticed that said claim has already been considered by the Appellate Tribunal and the two claimants were found more meritorious than even the M/s Laddi Bus Service, Regd. Bathinda keeping in view their capability which has been noticed. Hence, the claim of M/s Laddi Bus Service, Regd. Bathinda was only considered qua the permit granted to petitioner-Subhakashdeep Singh, which needs no interference at the hands of this Court.

26. It may be further noticed that while passing the impugned order, a direction was given to the State Transport Authorities to give notice to all the State Transport Undertaking with regard to the claim of permit which was temporarily allotted to M/s Laddi Bus Service, Regd. Bathinda. Nothing has come on record that the said order has been complied with.

27. Learned counsel for the respondent-State submits that as due to the interim order passed by this Court, against the three permits, 04 applicants were made operational for the grant of permit, the State decided to play safe not to precipitate the issue further till any order is passed by this Court.

28. Keeping in view the above stated facts, respondent-State is directed to comply with the direction given by the State Appellate Tribunal vide impugned order dated 04.03.2024 (Annexure P/8) so as to circulate to

**CWP-9425-2014 & connected cases -11-**

the All the State Transport Undertakings within a period of three weeks from the date of receipt of copy of this order qua the vacant permit and the applications be invited and a particular State Transport Undertaking, which is more suitable, be given the said permit, which has been temporarily given to M/s Laddi Bus Service, Regd. Bathinda, after following due process. Till the permit is given to any State Transport Undertaking, M/s Laddi Bus Service, Regd. Bathinda will continue to operate the said permit on temporary basis in case same is being done as of now.

29. Present petitions are disposed of in above terms.
30. Civil miscellaneous application pending, if any is also disposed of.
31. A photocopy of this order be placed on the file of connected cases.

**March 20, 2025**  
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**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes*  
*Whether reportable : No*