

ORDER SHEET
(RULE 129 OF THE RECORDS MANNUAL, 1917)

Order Sheet, dated from _____ to _____

District: BURDWAN **WP No. 11115 (W) of 2011**Nature of the case : **Gobinda Das -Vs- State of West Bengal & ors.**

Serial Number & Date of Order	Order & Signature of Officer	Note of action taken on order
<p>Date: 27/07/2011</p> <p>Typed under my dictation and corrected by me.</p> <p style="text-align: center;"><i>Sd/-</i> Secretary, RTA, Burdwan</p>	<p>In the matter of fixation of time-table of Sri Gobinda Das (P.St.P No. 38/03-04, Vehicle No. WB 37A 5836).</p> <p>The matter is taken up for hearing once more today. No objection seen for 1st two trips with respect to earlier Notification vide No. 1016/M.V dated 12/05/2011.</p> <p>In the 3rd trip, Sri Gobinda Das husband of Smt. Sumita Das (P.St.P No. 50/94-95, Vehicle No. WB 41B 5221) raised objection for time at 7:10 AM (Departure) at Shalbagan point as the concerned permit holder's time is 7:15 AM. It is also learnt that there other permit holders who ply the vehicles at the Shalbagan point at 7:00 A.M, 7:05 AM, 7:20 AM, 7:25 AM, 7:35 AM, 7:45 AM, 7:50 AM & 7:55 AM. The vacant slots are at 7:10 AM, 7:30AM & 7:40 AM at 5 minutes' interval.</p> <p>There was no reconciliation possible except fixing up the time-table at this trip for Gobinda Das at either 7:10 AM or 7:30 AM or 7:40 AM. Since, there would be other clashes if departure time is fixed at 7:30AM or 7:40 AM, the only viable option is to fix to time-table of Gobinda Das at Shalbagan point at 7:10 A.M.</p> <p>In the 5th trip, the clash of time table with Sri Sanjib Rej (P.St.P No. 03/02-03) is disposed with since Sri Rej admitted that his own time-table would be changed in view of pending fixation of time table in his permit arising out of extension.</p> <p>The clash with Sk Mokram Ali in the 6th trip at Spondon Complex is dispensed with since the objector was not present at the time of hearing and it was learnt that his timing at the said point is 11:40-45 AM at Spondon Complex. Sri Gobinda Das's time at that point is fixed at 11:30/40AM.</p> <p>The other objection raised by Siddhartha Pal on behalf of Partha Banerjee, another permit holder in the route in the 10th trip at Spondon Complex is heard. It is learnt that the covering vehicle WB 37 5222 of Sri Partha Banerjee arrives & leaves Spondon Complex at 5:20 PM. On the other hand, Sri Gobinda Das's proposed timing is 5:05/15 which is allowed as any further changes will create clash with other vehicles.</p> <p style="text-align: right;"><u>Page-1 of 2</u></p>	

In respect of the last trip, Sri Gobinda Das's time clashed with Bandana Nanday (P.St.P No. 84/94-95) at Spondon Complex. Sri Gobinda Das agreed to revert to his original time-table in the last trip at the same point i.e. 7:38/40 PM at Spondon Complex. The finalized time-table of Sri Gobinda Das stands as follows :-

Salbagan	Bacherhat	Spondon Complex	Rajbari	Biritikuri
5.00 (D)	5.05	5.25	5.40	5.55 (A)
7.00 (A)	6.55	6.30	6.15	6.00(D)
7.10(D)	7.15	7.40/45	8.00	8.15(A)
9.50 (A)	9.45	9.15/20	9.00	8.45(D)
10.00(D)	10.05	10.30	10.45	11.00(A)
12.10(A)	12.05	11.30/40	11.15	11.00(D)
13.20(D)	13.25	13.50	14.05	14.20(A)
15.28(A)	15.23	14.58	14.43	14.28(D)
15.35(D)	15.40	16.05	16.20	16.35(A)
17.45(A)	17.40	17.05/15	16.50	16.35(D)
17.50(D)	17.55	18.20	18.35	18.50(A)
20.10(A)	20.05	19.38/40	19.23	19.08(D)

Typed under my
dictation and
corrected by me.

Sd/-
Secretary,
RTA, Burdwan

Sd/-
Secretary,
RTA, Burdwan

ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL, 1917)

Order Sheet , dated from to

District :-BURDWAN W.P. No 19221 (W) of 2010

Nature of the Case :- Sathi Chatterjee -Vs-State of West Bengal and ors.

Serial number & date of Order	Order & Signature of Officer	Note of action taken on Order
<p>05/08/2011</p> <p>Typed under my dictation and corrected by me.</p> <p>R.T.O., Burdwan.</p>	<p>The Hon'ble High Court vide order dated 05/01/2011 had directed the Secretary, Regional Transport Authority, Burdwan to dispose of the representation dated 26/06/2010 filed by the petitioner by passing a reasoned order to be communicated to the parties within eight weeks from the date of communication of the order after giving an opportunity of hearing to the petitioner and the respondent no. 5</p> <p>Accordingly the matter was taken up for hearing on 23/02/2011, 09/03/2011, 25/03/2011 , 06/07/2011 and 05/08/2011.</p> <p>In the first hearing scheduled on 23/02/2011, both parties were absent and the hearing had to be deferred. In the hearing held on 09/03/2011, though both parties were present & filed <i>hazira</i>, the hearing could not proceed due to unavoidable circumstances.</p> <p>During the hearing held on 25/03/2011, the petitioner Smt. Sathi Chatterjee as well as the respondent no. 5 i.e. Sri Indrajit Roy was present. They were also accompanied by their respective Ld. Advocates. It was noted that the complaint dated 26/06/2010 submitted by Smt. Sathi Chatterjee to this office was unsigned and the Ld. Advocate on behalf of Sri Indrajit Roy objected to it. Hence, in accordance with the spirit of direction given by the Hon'ble High Court, Smt. Sathi Chatterjee was given an opportunity to file an identical complaint in this office on the same date. Accordingly, the petitioner Smt. Sathi Chatterjee filed a written signed complaint (identical with the complaint dated 26/07/2010) to this office on the same date. Hearing was adjourned at that stage and deferred to 06/07/2011.</p>	

<p>Typed under my dictation and corrected by me.</p> <p>R.T.O., Burdwan.</p>	<p>In the scheduled hearing on 06/07/2011, only Smt. Sathi Chatterjee appeared along with her Ld. Advocate. The respondent no 5 was absent. The Ld. Advocate of Smt. Chatterjee made the submission that his client is interested in revising her approved time table. Accordingly, he wanted to submit a proposed new time table. The same was received by this office at the time of hearing. It was made clear at the time of hearing that Smt. Sathi Chatterjee will have to continue to operate the permit with her vehicle , as per approved time table. It was also stated that in terms of R.T.A. Board Resolution, the last issued permit in a given route will have to accept the last trip formula, so far as time table is concerned. Further, hearing was adjourned and deferred to 05/08/2011.</p> <p>In the scheduled hearing dated 05/08/2011, only respondent no 5 i.e. Sri Indrajit Roy was present along with his Ld. Advocate. The petitioner Smt. Chatterjee was absent. Instead, Smt. Chatterjee submitted a written signed petition dated 05/08/2011 to this office in connection with the decision of hearing dated 25/03/2011 & 06/07/2011. In terms of the contents of the said written petition dated 05/08/2011, Smt Sathi Chatterjee insisted on i) Settling the dispute by making a clash free time table in favour of her on the basis of her already submitted proposed time table, and ii) taking action against Sri Indrajit Roy, who, accordingly to her, was plying his vehicle illegally from Bhatar to Guskara (3 up & 3 dn) instead of Guskara to Balgona (2 up & 2 dn).</p> <p>Sri Indrajit Roy who was present in this hearing on 05/08/2011 was directed to produce his original permit and approved time table since inception.</p> <p>It was seen from the original permit of Sri Indrajit Roy bearing P.St.P No. 61/02-03 that the original route assigned to it was Guskara to Maldanga. Permit was issued on 12/03/2003. However, the time table was issued 3 up & 3 dn from office in the route Maldanga to Guskara, via Bolgana vide Memo no. 7146/1(3) dated 10/12/2004.</p> <p>It was also revealed that in terms of R.T.A. Board Meeting resolution dated 08/04/2009, the route was curtailed from Bolgana to Maldanga making the modified route as Gusksra to Bolgana. The new time table was accordingly allowed in the route Bolgana to Guskara (3 up & 3 dn) vide memo no. 2257/M.V dated 17/09/2009.</p>	
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<p>Typed under my dictation and corrected by me.</p> <p>R.T.O., Burdwan.</p>	<p>Again, in terms of R.T.A. Board Meeting resolution dated 07/08/2010, extension was allowed in favour of Sri Indrajit Roy's permit from Bolgona to Bhatar creating the revised route from Guskara to Bhatar, via Bolgona. Endorsement was effected in the permit on 26/10/2010. Sri Indrajit Roy was asked to produce his approved time table in the said route. Sri Roy produced a copy of signed time table notification by the Secretary, RTA, Burdwan dated 26/10/2010 which did not bear any office memo. no. The route shown in the said produced notification was mentioned as Bhatar to Guskara, via Bolgona. Apparently, the permit holder i.e. Sri Indrajit Roy could not produce a time table which was finalized or approved with respect to the route Bhatar to Guskara. Office record was called for in this regard and it was confirmed that the issue of time table was not settled finally in this regard though notice was prepared & signed without assigning any memo no. It is ascertained that Sri Indrajit Roy is operating the vehicle no. WB 67 2973 in the permit no. 61/02-03 in terms of the said notified time table without bearing any official memo no.</p> <p>The following observations & deductions are being made from above:-</p> <p>(i) On the date of complaint i.e 26/06/2010 route permit of Sri Indrajit Roy was from Guskara to Bolgona but he was plying his vehicle from Bolgona to Guskara in terms of time table memo no. 2257/M.V dated 17/09/2009.</p> <p>(ii) It is put on record that Sri Indrajit Roy's P.St.P No. 61/02-03 was being presently operated with vehicle no. WB 67/2973 in the route Bhatar to Guskara via Bolgona against officially assigned endorsed route Guskara to Bhatar via Bolgona in the permit, with a notified time table from this office dated 26/10/2010 without bearing any office memo. no. It is not clear why the notified time table did not bear any office memo no. It is also not clear why the time table was not finally approved against the said permit & vehicle. The lapse on the part of the office is not at all desirable and needs to be rectified. Parallely, the operator possibly should or could have brought the matter to the notice or knowledge of the Authority for necessary formalization of the time table.</p>	
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<p>Typed under my dictation and corrected by me.</p> <p>R.T.O., Burdwan.</p>	<p>Let me now examine the case thoroughly.</p> <p>It is a fact that Smt. Sathi Chatterjee's permit bearing P.St.P No. 08/10-11 was issued in the route Bhatar to Guskara, via Bolgona (3 up & 3 dn) on 08/06/2010 in terms of order of the Hon'ble High Court in WP No. 10688 (W) of 2010 r.w. R.T.A. Board Meeting Resolution dated 03/07/2009. The first time table which was issued to the said permit was vide memo. no. 1800/M.V dated 08/06/2010 i.e. on the date of issuance of permit, for enabling Smt Sathi Chatterjee to ply her bus provisionally in the route Bhatar to Guskara subject to further ratification/renewal of the time table after disposal of objections, if any, against the said issued time table. It is a fact that a complaint was received by this office from Sri Indrajit Roy dated 21/06/2010 against the said time table. However, it has already been established that on the date of complaint i.e. 21/06/2010, Sri Indrajit Roy's route was Guskara to Bolgona though he was plying his vehicle in the reverse direction i.e. from Bolgona to Guskara against his assigned time table vide memo no. 2257/M.V dated 17/09/2009. So, on the date of filing of complaint by Indrajit Roy , the situation of clash of time table, if any, between the two operators in question viz. Sathi Chatterjee & Indrajit Roy, was supposedly between Bolgona to Guskara portion only and not in the entire route of Sathi Chatterjee's route permit i.e between Bhatar & Guskara. Certainly, there was no clash of time table in the region between Bhatar to Bolgona. The subsequent revision of time table of Smt. Sathi Chatterjee vide memo no 2255/1(6)/M.V dated 22/07/2010 against the above complaint raised by Indrajit Roy, is something which has been objected by the petitioner Smt. Sathi Chatterjee and accordingly, she has ventilated her grievance by filing the instant writ petition and secured the Order of the Hon'ble High Court.</p> <p>A careful perusal and analysis of the two time tables issued to Smt. Sathi Chatterjee, the petitioner, reveals that there are minor changes in the first trip, no change in second trip & third trip, minor change in fourth trip, no change in fifth trip and substantial change in the last trip, by comparing the later time - table with the initial time - table. The last trip was accorded to Smt. Sathi Chatterjee in the route Bhatar to Guskara in accordance with the earlier resolution adopted by R.T.A., Burdwan.</p>	
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It is true that Smt. Chaterjee was dissatisfied with the latter time table and has also submitted a proposed new time- table on 06/07/2011 for issuance by this office. On examining the newly proposed time-table by Smt. Sathi Chatterjee, it is evident that it is similar to the one which was initially issued to her vide memo no. 1800/MV dated- 08/06/10.

After careful analysis of the typical facts and circumstances of the case, the undersigned, do hereby arrive at the following conclusions and pass the following order :-

1. Smt. Sathi Chatterjee's grievance for altering her time - table on the basis of complaint raised by Sri Indrajit Roy has been substantiated to the extent that Smt. Chatterjee was the senior operator in the route Bhatar to Guskara (w.e.f. 8/6/10, the day of issuance of permit in favour of her) compared with Sri Indrajit Roy who became an operator in the same route only w.e.f. 26/10/10. It would have been proper for this office to have only examined the clash of time -table between the two operators only in the portion between Bolgona & Guskara and not the entire route of Smt. Chatterjee i.e. Bhatar Bolgona - Guskara only on the basis of the complaint dated 21/6/10 filed by Sri Indrajit Roy against the initial time table issued in favour of the petitioner vide memo no. 1800/1(6)/MV dt. 8/6/10 .

In my opinion, the revision of time - table undertaken with respect to permit of Sathi Chatterjee has not been done properly and the grievance of Smt. Chatterjee is justified. Accordingly, it is decided to notify the newly proposed time table dated 6/7/11 of Smt. Sathi Chatterjee and published for wide circulation including in the official website for 30 days in terms of Section 72(2)(xxii) r.w. sub-section (iv) of M.V Act for inviting objections, views etc., if any , from other bonafide operators in the same route. Thereafter, the case will be disposed through proper hearing along with issuance of new time table in accordance with law, maintaining all formalities and rules in this regard in terms of M.V Act 1988 and W.B.M.V. Rules 1989. It is

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and corrected
by me.

R.T.O.,
Burdwan.

<p>Typed under my dictation and corrected by me.</p> <p>R.T.O., Burdwan.</p>	<p>further , clarified that this will be treated as a revision of time table under the statutory provisions of W.B.M.V. Rules since the petitioner operator is presently plying her vehicle in terms of the later timetable issued vide memo no. 2255/1 (6) dated 22/07/2011 . Till the newly circulated proposed time table is settled and issued to her, the petitioner operator Smt. Sathi Chatterjee will have to continue to ply her vehicle in terms of the present approved time table vide memo no. 2255/1 (6) dated 22/07/2011.</p> <p>2. The other aspect of the direction of Hon'ble High Court with respect to the complaint of Smt Sathi Chatterjee against the plying of vehicle by Sri Indrajit Roy from Bhatar to Guskara has been separately analyzed and treated in this order sheet. The fact on record that Sri Indrajit Roy has been allowed the route Guskara to Bhatar via Bolgona by the R.T.A. has been well established. All along from inception of the permit of Sri Indrajit Roy (P.St.P No. 61/02-03), he has been issued time table in the reverse direction. In view of the last extension allowed vide R.T.A. Board Resolution dated 07/08/2010 from Bolgona to Bhatar, Sri Roy's permit has become Guskara to Bhatar via Bolgona. Neither Sri Indrajit Roy could produce any approved time table from this office with respect to his last revised route nor this office could furnish proof of issuance of any such time table. Only a signed copy of the notified time table dated 26/10/2010 without bearing any memo no. in the reverse direction i.e. from Bhatar to Guskara was produced by Sri Indrajit Roy in support of his plying of his vehicle in the route Bhatar to Guskara. Ld Advocate on behalf of Sri Roy present at the time of hearing on 05/08/2011, referred to judicial pronouncements with respect to the issuance of time table in a permit from the reverse direction, keeping the alignment of the route fixed and ensuring that the permit is operated to sub-serve the need of the commuters at large. I, therefore, feel that this aspect of issuance of time table in the reverse direction against the aligned route needs to be investigated and examined further as it needs a separate legal treatment. Accordingly, this aspect is not decided upon . What has of course been established need</p>	
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<p>Typed under my dictation and corrected by me.</p> <p>R.T.O., Burdwan.</p>	<p>to be addressed. Sri Indrajit Roy's time table in the route Bhatar to Guskara which was not officially approved, need to be settled. Accordingly, it is decided that since the issuance of time table is an obligation on the part of the Transport Authority against any valid permit in accordance with Section 72 (2)(iv) of the M.V. Act, any lapse on the part of the Authority in not properly issuing the time table need to be resolved at the earliest so as to ensure that the operator is not disadvantaged. In this case, Indrajit Roy is plying his vehicle against a notified time table (dated 26/10/2010 without bearing any office memo). Since, a considerable time has elapsed without settling the time table finally in favour of the operator, and in view of the fact that he is plying his attached vehicle to the permit with respect to the notified time table dated 26/10/2010 , it is decided to allow the said time table officially in favour of Indrajit Roy. However, scope of revision of the said time table is also not ruled out , if there is any established clash of time table with the other senior bonafide operators in the same route on the basis of any specific objection which may be raised by them against the allowed time table dated 26/10/2010 of Sri Indrajit Roy, subject to principles of natural justice.</p> <p>With the above decisions , the case is disposed of. Let all concerned be informed accordingly.</p> <p style="text-align: center;">Sd/- Secretary, Regional Transport Authority, Burdwan.</p>	
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