

JAMMU AND KASHMIR ACCOUNTABILITY COMMISSION

Regd-05

Comp No:S-1/2005

Office bearers of Suleman v/s 1. Sh. Mangat Ram Sharma,
Company. Deputy Chief Minister, J&K
State.
2. Sh. Rajinder Tikku,
Transport Commissioner,
J&K Sgr.
3. Sh. Rajinder Tikku,
State Transport Authority,
J&K Sgr.
Complainants. Respondents.

REPORT

Complainants in person.
Mr. M. A. Dar, advocate for respondents 2 & 3.

This is a complaint relating to the grievance of the complainants for the non issuance of transport service license within the reasonable time reflecting lapses, negligence and maladministration attributable to the respondents.

The facts reveal that the complainants had applied for grant of the license on 02-0802004 and completed all formalities in November, 2004. They were asked to deposit the license fee which they did on 25th April 2005. Despite complying of all formalities, the respondents are alleged to have slept over the matter and didnot issue the license without assigning any reason.

On the complaint being filed, this Commission issued notices to the respondents 2 and 3 on 19th September 2005 directing them to file their statement of defense. The Competent authority was also sent a copy of the complaint with direction to submit its comments.

In response to the notices of the Commission respondents 2 and 3 filed their objections submitting therein that the license could not be issued in time on account of the pendency of a civil suit in the court of law. Respondent No 2 has further submitted that he is not guilty of any inaction because the delay, if any, has been caused by his predecessors.

" It is submitted that after the notices of the Commission the transport service license has been issued in favour of the complainants and their grievance redressed. .

I have heard the complainants and the learned counsel of respondents 2 and 3.

I am not satisfied with the explanation submitted to justify the delay in the issuance of the license to the complainant. The predecessors of respondent no 2 had no reason to show laxity in performing the statutory duty and in the absence of any deficiency, to grant the license expeditiously. Mere pendency of a matter in a court could not be a ground to withhold the issuance of the license unless the court had directly issued appropriate direction, interim order or temporary injunction.

It may be mentioned here that the civil court (Sub judge Srinagar) in its order dated June 07, 2005 had specifically mentioned:

"..... that the said defendants has not been restrained in terms of any interim order to exercise the statutory powers vested in the said authority i.e. defendant No:5 would be at liberty to discharge his public duties whether it pertains to the issuance of permit in terms of Rule 127 of Motor vehicles Rules or any other rule."

After the clarification was made by the civil court, there was no justification on the part of the respondents to withhold the issuance of the license. However, keeping in view the fact that immediately after the notices of this Commission, the grievance has been redressed and now the complainants do not want any further action to be taken in the matter, no further direction is required to be issued.

" This complaint is, therefore, disposed of as settled with the observations that the grievance of the complainants has been redressed. It is however pointed out that the respondents and all other authorities of the state who are entrusted with the statutory duties shall in future be careful in disposing of the matters without any delay, otherwise the commission may direct appropriate disciplinary action against the defaulting officers. "

The final report is accordingly filed with the direction that the same shall be published in the Government Gazette. The Competent Authority concerned shall also be informed of this report.

Srinagar,
17th October, 2005.