

Nanhu and Others

Vs

Delhi Administration and Others

Gulab Singh and Others

Vs

Delhi Administration and Others

Writ Petitions Nos. 841 and 728 of 1980

(V. R. Krishna Iyer, R. S. Pathak, O. Chinnappa Reddy JJ)

05.08.1980

JUDGMENT

KRISHNA IYER, J. –

1. We have disposed of today applications from cycle rickshaw pliers of Amritsar Municipality where a scheme has been worked out to help them become owners of cycle rickshaw. A similar scheme, says the Solicitor-General appearing for the Delhi Administration, will be extended to the Delhi territory. We, therefore, annex a copy of the judgment in Writ Petitions 839 of 1979 and 563 of 1979 - Azad Rickshaw Pullers' Union, Amritsar v. State of Punjab and Nanak Chand v. State of Punjab (1980 Supp SCC 601), respectively to this judgment.

2. There is another problem which arises in these two cases and that is that the Delhi Administration has put a ceiling on the total number of cycle rickshaw permissible to be plied within its territory. Perhaps - we do not know for certain - this number may not accommodate all the applicants for cycle rickshaw applying (sic) licences. We are told that apart from the applicants in this Court under Article 32 of the Constitution, there are numerous petitioners who have approached the High Court of Delhi under Article 226 of the Constitution and the others who have filed suits in Civil Courts for the same relief. All the we can do is to accept the suggestion made by the learned Solicitor-General that the Delhi Administration will effectively publicize and notify applications for licences for plying of cycle rickshaws and all those who apply will be considered on their merits including length of service as cycle rickshaw pliers. The criteria that the Delhi Administration will adopt must be reasonable and relevant; otherwise it will be open to the aggrieved parties to challenge the selection. Likewise we do not want to fetter the rights of parties aggrieved if the ceiling upon the total number of rickshaws permissible within the Delhi territory is arbitrary.

3. On the basis of reasonable criteria the Delhi Administration will direct the concerned Municipal Authorities to grant licences for plying rickshaws and if the applicants so chosen are not owners in themselves all the facilities we have indicated in the Amritsar order will be extended to such cycle rickshaw pliers fixing reasonable time-limits. With these directions we dispose of the applications. Until fresh licences are issued by the Delhi Administration and the Municipal Authorities the present petitioners will be allowed to ply their cycle rickshaws.

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