

**PROCEEDING OF THE 288<sup>TH</sup> MEETING OF STA, ODISHA HELD IN THE OFFICE OF  
TRANSPORT COMMISSIONER-CUM-CHAIRMAN, STA, ODISHA ON 26.07.2019.**

**MEMBERS PRESENT:**

1. Sri Anil Kumar Samal, IAS, ... .. Chairman.  
Transport Commissioner-Cum-Chairman,  
STA, Odisha, Cuttack.
2. Shri Ignace Hasda, OAS(SAG), ... .. Member-Secretary.  
Secretary, STA, Odisha, Cuttack.
3. Shri Soumit Mitra. ... .. Member.
4. Smt. Debadutta Suranjeeta Jena, OAS (S)... .. Member.  
Joint Secretary to Government,  
Commerce and Transport (Transport) Department.

At the outset the Chairman, STA, welcomed all the members of the STA to the 288<sup>th</sup> S.T.A. meeting.

**ITEM NO-1**

The proceeding of the 287<sup>th</sup> meeting of State Transport Authority held on 22.01.2019 circulated among all the Members vide this Office Memo No.2139/TC dtd. 13.07.2019 is confirmed.

**ITEM NO-2**

Action taken by the Chairman, STA, Secretary, STA and Under Secretary, STA for the period from 22.01.2019 to 25.07.2019 is approved.

**ITEM NO-3 :- CANCELLATION OF P.P. NO.99/170953/G IN RESPECT OF VEHICLE  
OD13H-9477 IN THE ROUTE PURI TO CUTTACK AND BACK**

Heard the Advocate for the permit holder. Learned Advocate filed Vakalatnama and memorandum stating that the notice dated 10.07.2019 issued to the permit holder to file show cause as to why his permanent permit shall not be cancelled has not been served upon him. That in view of Section 86 of M.V. Act, 1988, before cancellation / suspension of permit, the permit holder is required to furnish reasonable opportunity to file his explanation. Since the notice dated 10.07.2019 has not been served upon the permit holder, learned Advocate prayed to adjourn the matter to file his explanation.

Brief fact of the case is that the RTO, Puri vide his office letter No.2189 dated 09.07.2019 has intimated that one Sri Narayan Mallick helper of bus No.OD13H-9477 alleged to have sexual assault with minor ST girl on 08.07.2019 around 09 P.M. inside the bus within the premises of Puri Bus Stand.

The vehicle OD13H-9477 owned by Sri Bibhuti Bhusan Chhotray and Permanent Permit No.99/170953/G valid from 19.08.2017 to 18.08.2022 has been issued by STA, to operate in the route Cuttack to Puri.

The permit holder Sri Bibhuti Bhusan Chhotray was directed vide letter No.7221/TC dated 10.07.2019 to file show cause as to why Permanent Permit issued to him shall not be cancelled as required under proviso to Section 86 (1) of M.V. Act, 1988.

The RTO, Puri vide letter No.2189/RTA dated 09.07.2019 reported that Helper of bus OD13H-9477 namely Narayan Mallick has been alleged to have sexual assault to a minor ST girl on 08.07.2019 night inside the bus within the premises of Puri Bus Stand and the case is being investigated by the Kumbharapada Police Station and the accused Narayan Mallick has been arrested and forwarded to Court.

The RTO, Puri vide his letter No.2197 dated 10.07.2019 has intimated that P.S. case No.137 dated 09.07.2019 under Section 376 (I) IPC / Section 4 POCSO Act has been registered in Kumbharapada Police Station, Puri and the accused has been arrested and forwarded to Court by Police for trail.

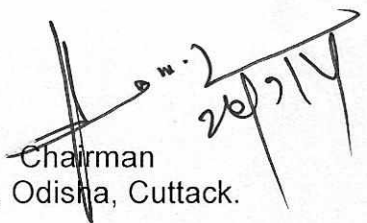
As per rule 78 (xv) of OMV Rules, 1993 driver of public service vehicle shall not permit such vehicle to be used for an illegal or immoral purpose. Besides a condition has been imposed with the permit envisages that "*The vehicle shall not be used in commission of any offence under the Indian Penal Code or any legal or special law or any statutory order for the time being in force*".

From records it is evident that offence has been committed inside the bus OD13H-9477 for which Khumbharapada P.S. case No.137 dated 09.07.2019 under Section 376 (I) IPC / Section 4 POCSO Act has been registered against the Helper - Narayan Mallick employed by the permit holder Sri Chhotaray.

In the present case such an illegal act occurred inside the bus bearing registration No.OD13H-9477 for which permit No.99/170953/G has been issued by STA which amounts to violation of permit conditions. The driver and helper of bus OD13H-9477 are engaged and remunerated by permit holder Sri Bibhuti Bhusan Chhotaray son of Late P.C. Chhotaray who is the owner of vehicle OD13H-9477. As such the permit holder is responsible for such illegal act committed by said driver and helper. The permit holder has therefore, violated permit conditions.

After due deliberation, the members are of the view that the permit holder Sri Bibhuti Bhusan Chhotaray is responsible for commission of such heinous crime inside his bus OD13H-9477 on 08.07.2019 and thereby violated permit conditions. It was resolved that for violating permit conditions and provision contained under rule 78 (xv) of OMV Rules, 1993 permanent permit No.99/170953/G in respect of vehicle OD13H-9477 in the route Puri to Cuttack and back issued to Bibhuti Bhusan Chhotaray is liable to be cancelled and hereby cancelled. The route be notified in the news paper / website inviting applications for grant of permanent permit to deserving bus operators.

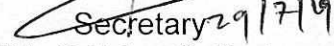
The meeting ended with vote of thanks to the Chair.

  
Chairman  
STA, Odisha, Cuttack.

Memo No. 8038 /TC

Dated: 30.07/2019

Copy forwarded to all members of STA for information.

  
Secretary  
STA, Odisha, Cuttack