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**S. Abdul Rasheed Vs. State Transport Appellate Tribunal, Madras and anr.**

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**SooperKanoon Citation :** [sooperkanoon.com/794773](http://sooperkanoon.com/794773)

**Court :** Chennai

**Decided On :** Feb-03-1959

**Reported in :** AIR1959Mad386; (1959)1MLJ287

**Judge :** Balakrishna Ayyar, J.

**Acts :** [Motor Vehicles Act, 1939](#) - Sections 64; [Contract Act, 1872](#) - Sections 182

**Appeal No. :** Writ Petn. No. 57 of 1959

**Appellant :** S. Abdul Rasheed

**Respondent :** State Transport Appellate Tribunal, Madras and anr.

**Advocate for Pet/Ap. :** K.S. Ramamurthi and ;A.R. Ramanathan, Advs.

**Disposition :** Petition dismissed

**Judgement :**

1. The petitioner is the owner of the lorry MSY 4720. On the ground that the lorry had been carrying loads in excess of the permitted weight on different dates between September 1956 and January 1958, the Secretary, Regional Transport Authority, Madras, suspended the permit for the lorry for a period of three months. Against that order the petitioner appealed to the State Transport Tribunal. The State Transport Appellate Tribunal dismissed the appeal on the ground that it was presented beyond time. The present petition has been filed for the issue of an appropriate writ to quash the order of the State Transport Appellate Tribunal.

2. Rule 147 (1) of the Rules framed under the Motor Vehicles Act so far as it is here relevant runs as follows :

"An appeal under Sub-section (1) of Section 64 of the Act shall, lie to the State Transport Appellate Tribunal within 30 days of the date of the receipt of the order appealed against."

Admittedly the order of the Secretary, Regional Transport Authority, reached the petitioner on 30-8- 1958. The appeal should have been presented to the State Transport Appellate Tribunal on or before 29-9-1958. On that day the petitioner sent the memorandum of appeal by registered post from Vellore Head Post Office and it reached the State Transport Appellate Tribunal on 30-9-1958, that is to say, one day late. The argument of Mr. Ramamurthi was that when he dispatched his appeal memorandum on 29-9-1958 by registered post from Vellore Post Office he must be deemed to have presented the application within the 30 days provided for by the rule. Now if we can regard the post office as an agent of the State Transport Appellate Tribunal the argument would have been sound--and it is exactly this that Mr. Ramamurthi invites me to say. But he did not explain by what legal process the post office was constituted as the agent of the State Transport Appellate Tribunal. I can discover no rule of law which makes the post office the agent of the State Transport Appellate Tribunal for the receipt of appeal petition. The conclusion of the Tribunal that the appeal was presented out of time is correct. This writ petition is therefore dismissed.

3. Petition dismissed.

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