

BEFORE THE DIRECTOR OF TRANSPORT & APPELLATE
AUTHORITY, FIRST FLOOR, JUNTA HOUSE AT PANAJI

Appeal No.2/2017 / 3824

Shri Gopal P. Naik,
C-5-D Government Quarters,
Alinho, Panaji-Goa.

..... Appellant

V/s.

1. The Director of Transport,
Directorate of Transport,
Junta House, Panaji-Goa.

2. The Assistant Director of Transport(S)
Licensing Authority
Vasco Da Gama, Goa.

..... Respondent

O R D E R

Heard the Appellant. Advocate P. Hawanoor appeared for the Appellant. The Respondent No.2, the Assistant Director of Transport & Licensing Authority, Vasco was present.

It is the contention of the Appellant, that despite the report submitted by the competent Medical Board wherein it is clearly stated that the Appellant can be considered for driving Light Motor Vehicle with Automatic Transmission. Appellant was issued a driving licence for 'Invalid Carriage' and the same was endorsed on driving licence Smart Card. The Appellant submits that the term 'Invalid Carriage' defined in Section 2 (18) means a motor vehicle specially designed and constructed and not merely adapted for the use of person suffering from physical defect or disability and use solely by or such a person, extract the section 2(18) of the Motor Vehicles Act, 1988. Therefore it is clear that, if the motor vehicle is not specifically designed and is merely adapted cannot be considered as an "invalid carriage".

Here a case has been made out that, if the motor vehicle is not specially designed and is merely adopted, the same cannot be considered as 'Invalid Carriage'.

The Appellant submits that, the earlier licence number was GA06N-2006-001296 which has also been changed while issuing the present smart card. The present number is GA06 20060001296.

As per Section 10 (2) of Central Motor Vehicles Act the licence holder entitled to drive one or more motor vehicles of following classes namely:

- (a) motor cycle without gear;
- (b) motor cycle with gear;
- (c) invalid carriage;
- (d) light motor vehicle;
- (e) transport vehicle;
- (i) road-roller;
- (j) motor vehicle of a specified description.

Thus the Act does not provide for endorsing any other class of motor vehicle other than one mentioned in Section 10(2) on the Driving Licence.

The Respondent is also in agreement, that the Light Motor Vehicle with automatic transmission does not have the same meaning as 'Invalid Carriage'. Further, the Appellant had applied for grant of licence in the Light Motor Vehicle automatic category based on the recommendation of Competent Medical Board. However, the existing provisions of Motor Vehicles Act also does not permit endorsement of Light Motor Vehicles (automatic) on the driving licence.

I am therefore, of the considered opinion that the Assistant Director of Transport & Licencing Authority, Vasco has erred in endorsing 'Invalid Carriage' on the driving licence instead of Light Motor Vehicle class.


The Assistant Director of Transport & Licencing Authority, Vasco is hereby directed that the Appellant may be issued a licence for Light Motor Vehicle class of vehicle as per the recommendations of the Medical Board and endorse the said category on his driving licence.

Further the Licencing Authority & Assistant Director of Transport, Vasco is also directed to issue a licence for Motorcycle without gear class in terms of existing licence of the appellant.

The above changes may be made within a period of 7 days from the date of this order.

Matter stands disposed in view of the above.

Given under my hand and seal of this office on this 06th day of October,
2017.


(Nikhil Desai)
Director of Transport &
Appellate Authority
Panaji-Goa

To

1. Shri Gopal P. Naik, C-5-D Government Quarters, Altinho, Panaji-Goa.
2. The Assistant Director of Transport and Licensing Authority, Vasco-Goa.