

**216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.22913 of 2014
Date of Decision: 02.12.2016**

Sat Paul Garg

..... Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. H. C. Arora, Advocate
for the petitioner(s).

Mr. T. N. Sarup, Addl. A.G, Punjab.

KULDIP SINGH J. (ORAL)

Petitioner, who was working as a member of District Consumer Disputes Redressal Forum, Ludhiana since 06.01.2014 has filed this petition for re-fixation of his honorarium as per his last pay drawn minus pension as District Revenue officer and has also for payment of his arrears of such honorarium from 06.01.2014 onwards along with interest.

The facts of the case as gathered from the file are that the petitioner, who retired as District Revenue Officer had filed an application (Annexure P-7) for appointment as member of District Consumer Disputes Redressal Forum, Ludhiana. The application shows that he has done B.Sc, L.L.B and also M.A. in english. He worked as JE (Phones) for ten years, SDO (Phones) for one year, Tehsildar for 9 years and District Revenue Officer for 15 years and retired as such on 31.03.2010. His last pay certificate is Annexure P-8.

As per Section 16 of the Consumer Protection Act, 1987, the petitioner was eligible for appointment to the said post of Member, District Consumer Disputes Redressal Forum. Further order of Punjab Government

(Annexure P-2) shows that the honorarium of the members of the Punjab State Consumer Disputes Redressal Commission/Members were revised w.e.f. 01.04.2012 as under:-

- “1. Members of Punjab State Consumer Disputes Redressal Commission getting Rs.30,000 per month to Rs.35,000 per month.*
- 2. Members of First Additional Bench getting Rs.20,000 per month to Rs.35,000 per month.*
- 3. Members of District Consumer Forums getting Rs.12,000 per month to Rs.18,000 per month.*
- 4. This increase will come into force w.e.f. 1.4.2012.*
- 5. It has also been decided to review the honorarium given to the members of District Consumer Forums in every 3 years.*
- 6. Members who are appointed from judicial side or some other Government job, they can opt for fixed remuneration or they can get last pay drawn minus pension.*

This issues with the concurrence of the Finance Department conveyed vide ID No.12/13/2008-5FES/373 dated 16.03.2012.”

In clause 6 in case a member, is appointed from a judicial side or from some other Government job, they can opt for fixed remuneration or can get last pay drawn minus pension. The said request for fixation of honorarium of the petitioner was declined by the respondents vide order Annexures P-4 and P-6.

In the reply, the respondents have taken the stand that when the petitioner was appointed as a member of District Consumer Disputes Redressal Forum, Ludhiana, he was enrolled as an Advocate and was not on government job and not covered under the said orders dated 30.10.2013 for honorarium. The respondents have justified their order.

I have heard learned counsel for the parties and have also gone through the file carefully.

The application referred above (Annexure P-7) shows that the applicant had applied not on the basis of being an advocate but on the basis of his experience as District Revenue Department and being Tehsildar. It so happened, that after the retirement, the petitioner got a licence of Advocate, however, he was not appointed on the basis of being Advocate but on the basis of being a District Revenue Officer. Therefore, the contention of the respondents that he was an advocate having licence and, therefore, not entitled to exercise option under Rule 6 cannot be sustained in the eyes of law. Since, the petitioner was admittedly a District Revenue Officer before his retirement, therefore, he was required to give an option and honorarium to be fixed at last pay drawn minus pension. The impugned orders dated 23.07.2014 and 12.09.2014 (Annexures P-4 and P-6), are hereby quashed.

The respondents are directed to pay honorarium fixed as per last pay drawn minus pension w.e.f. date of appointment i.e. 06.01.2014 along with arrears to the petitioner with interest @ 9% per annum. Same shall be released within three months from the date of receipt of certified copy of the order.

Petition is accordingly, allowed.

(KULDIP SINGH)
JUDGE

December 02, 2016

rittu

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No