

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.25110 of 2017(O&M)

Date of Decision:-19.12.2018

Capt. Yuvinder Singh Matta.

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Sukhandeep Singh, Advocate &
Mr. Updip Singh, Advocate for the Petitioner.

Ms. Rameeza Hakeem, Additional Advocate General, Punjab &
Ms. Sudeepti Sharma, Additional Advocate General, Punjab.

JASWANT SINGH, J.(ORAL)

1. The Petitioner is an aspirant for the post of Member, District Consumer Disputes Redressal Forum (in short '**District Forum**') in the State of Punjab.

An advertisement dated 20.11.2014 was first issued by the State Government for the vacancy which had arisen against the post of Member of the District Forum, Ropar. The post had to be re-advertised as none of the candidates who applied were found suitable. Hence another advertisement dated 16.4.2015 was issued.

2. The petitioner applied for the said post of Member and undertook the interview test conducted by the Selection Committee

23.11.2016. The selection was based only upon interview subject to the fulfilment of eligibility conditions. The Petitioner was recommended by the Selection Committee for appointment as Member of the District Forum, Ropar vide memo dated 24.11.2016.

3. The Selection Committee in its above proceedings held on 23.11.2016 noted that although one of the Members of the Selection Committee was unable to attend, applying the law laid down by the Hon'ble Supreme Court in the judgment reported as **Ishwar Chandra Vs. Satyanarain Sinha** **AIR 1972 SC 1812** proceeded to treat the quorum two out of three Members of the Selection Committee as a complete quorum and recommended the Petitioner to the Post of Member, District Forum, Ropar. This recommendation was forwarded to the State Government under Letter No.SCDRC/PB/SA1/2016/10702 dated 24.11.2016.

4. It then transpires from the record that the State Government sought various legal opinions as to the legality of the recommendations made by the Selection Committee. On 6.9.2017, the State Government rejected the recommendations of the second Selection Committee which was communicated vide the impugned Memo No.01/38/2016-1C.P.C./10622671/1 dated 11.09.2017 stating that the Competent Authority has passed the following order:-

“ In view of the fact that the Principal Secretary, Food and Supplies was not present in the meeting of the selection committee and the fact that considerable time has elapsed since the application were invited, the selection procedure may be commenced afresh and completed at the earliest. ”

5. The Petitioner preferred the present petition impugning the said

recommendations made by the Selection Committee in his favour.

The present petition was taken up for hearing alongwith the lead case being CWP No.21722 of 2017 in 'Charanjit Singh Vs. State of Punjab' in which the following interim order dated 29.09.2017 was passed:-

*“ Learned counsel for the petitioner inter alia contends that the selection list was prepared by majority of the Members of the Committee including the Chairman but the same has been cancelled only on the ground that one Member was not present. There is no Provision under the Rule/Act regarding quorum of the Committee. In support of his contentions, learned counsel has relied upon judgment of Hon'ble the Apex court in case **Ishwar Chandra Vs. Satyanarian Sinha 1972(2) SCC 383.***

Notice of Motion for 13.12.2017.

Meanwhile respondents are directed not to issue any advertisement with regard to appointment of President and Members of the Forum. ”

6. This petition and other similar/connected petitions came to be listed from time to time. When the said petitions were listed on 13.11.2018, Ms. Rameeza Hakeem, Additional Advocate General, Punjab, in view of what had transpired on the previous dates of hearing, sought time for Government to reconsider the issue of appointment of the petitioners. On such date, an application for modification of interim order dated 29.09.2017 was also pressed on the ground that the said interim order had prevented the State Government from making any further appointments to any posts of President or Member in the District Forum and such posts have been lying vacant since a long time on account of pendency of present litigation as well as the interim order dated 29.09.2017 passed by this Court thereby

13.11.2018 passed the following order:-

“ In compliance of order dated 25.10.2018, affidavit of K.A.P. Sinha, Principal Secretary to Government of Punjab and Consumer Affairs, Punjab, has been filed in Court today and the same is taken on record.

Copy furnished.

Ms. Rameeza Hakeem, learned Additional Advocate General, Punjab, in view of what has transpired on the previous dates of hearing, seeks time for Government to reconsider the issue of appointment of the petitioner(s). She assures that reconsideration would be based on correct appreciation of the law and facts as narrated in the petition(s). She, however, presses for modification of the interim order dated 29.09.2017, as prayed for in the civil miscellaneous application i.e. CM-6226-CWP-2018, in the light of the factual position that around 15 posts of Presidents and 21 posts of Members of the District Consumer Forum(s) have remained vacant for a long time, thereby, hampering due administration of justice. After hearing learned counsel for the State, it is deemed expedient to grant three weeks' effective time to the Government to reconsider the issue of offering appointment letters to the petitioner(s), who comprise aspirants for the 04 posts of Presidents and 06 Members to the District Consumer Forums concerned; as also modifying the order dated 29.09.2017, whereby process for issuing any advertisement with regard to appointment of President and Member of the Forum(s) has been stayed.

Adjourned to 10.12.2018, for further consideration.

The aforesaid interim order dated 29.09.2017 is modified to the extent that 04 posts of President and 07 posts of Members of the District Consumer Forum(s) concerned shall be kept in abeyance for adjustment of

the petitioner(s). The State Government is permitted to undertake the process of filling up the remaining vacant posts of Presidents and Members subject to the decision of the instant writ petitions. However, the appointment letters shall not be issued without prior permission of this Court. ”

7. The matter has since been reconsidered by the Government and without entering into the issue of the mandatory quorum required under Section 10(1A) with a view to complete the process of filling up of vacancies, in the interests of administration of justice and to achieve a quietus to this litigation, the State Government has decided to issue an appointment letter to the Petitioner as Member, District Consumer Forum, Ropar vide order dated 17.12.2018.A copy of such appointment order has been placed on record of this Court as Annexure **Mark-A**. The Petitioner has accepted such appointment in terms thereof.

The gracious stand of the State and the able assistance provided by the State Counsel is deeply appreciated.

8. As a result, the present petition has been rendered infructuous and is disposed of as such without entering into the merits of the issues which were raised. Interim orders, if any, stand vacated.

(JASWANT SINGH)
JUDGE

December 19, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>