

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

CWP No.28259 of 2017(O&M)

Date of Decision:-19.12.2018

Parampal Kaur.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. M.K. Dogra, Advocate for the Petitioner.

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

JASWANT SINGH, J.(ORAL)

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

1. An advertisement dated 12.01.2016 was issued by the State Government for the vacancies which had arisen against 07 (seven) posts of Members/Lady Members of the District Forums located at TaranTaran, Mansa, Hoshiarpur, Bhathinda, Faridkot, Jalandhar and SBS Nagar.

2. The petitioner applied for the said post of Member and undertook the interview test conducted by the Selection Committee constituted under Section 10(1A) of The Consumer Protection Act, 1986 on 06.06.2016. 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 Lady Member of the District Forum, Faridkot vide memo dated 26.7.2016.

3. It then transpires from the record of the State Government and documents annexed by the Petitioner that the State Government sought various legal opinions as to the legality of the recommendations made by the Selection Committee given the lapse of time and the intervening judgment of the Hon'ble Supreme Court passed in Civil Appeal No.2740 of 2007 State of U.P. Vs. All U.P. Consumer Protection Bar Association wherein observations were made as regards the quality and process of selection of Members of such Consumer Courts.

4. The State Government then proceeded to reject the recommendations of the Selection Committee which was communicated vide the impugned Memo No.01/25/2016-1C.P.C./290 dated 9.10.2017 inter alia stating that:-

“ 2. That as per the letters the proceedings of the selection committee received vide letters under reference from your office (dated 6.6.2016 and 7.06.2016) and the directions given by the Hon'ble Supreme Court in order dated 21.11.2016, in Civil appeal no.2740 of 2007, the file appointment of members in District Consumer Forum of State of Punjab, was sent for approval to Hon'ble the Chief Minister. He has passed order in this matter that, since a long time has elapsed in this process and many other posts are vacant. So this recruitment process be initiated afresh at the earliest. ”

5. The Petitioner preferred the present petition impugning the said Memo dated 09.10.2017 seeking appointment in terms of the

recommendations made by the Selection Committee in her favour.

By order dated 14.12.2017 notice of motion was issued on the present petition and ordered to be heard along with 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 has already been 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

hampering the administration of justice. In view of this, this Court on 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 any of the issues raised, 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 Lady Member, District Consumer Forum, Faridkot vide order dated 17.12.2018. A copy of such appointment order has been placed on the 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>