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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7581/2018

M L SAHNI

..... Petitioner

Through : Mr. S.U. Abbas, Advocate.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through : Mr. Naushad Ahmad Khan, Advocate
for Ms. Mini Pushkarna, ASC for R1
to R3.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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22.10.2018

1. With the consent of the learned counsels appearing for the parties, this writ petition is taken up for final hearing and disposal today.
2. Vide this present petition, the writ petitioner seeks direction to implement amended Rule 6(1) B of the Delhi consumer Protection Rule, 1987 qua the representation vide No. F.47/SC/Admn./Hons./2008 dated 02.09.2008 made by the petitioner to the respondents.
3. It is submitted that the petitioner joined the Delhi Judicial Services on 09.05.1972 and was promoted to the Delhi Higher Judicial Services in February, 1989 and he retired as District & Sessions Judge. Therefore, the petitioner had joined as the Judicial

Member in the Central Administrative Tribunal and retired after attaining the age of 62 years on 16.10.2005. Thereafter, the petitioner worked as the President, District Consumer Disputes Redressal Forum, District South-II, Delhi, vide office order dated 01.01.2008, wherein the petitioner was entitled to draw the salary and allowances as admissible to the District Judge besides other perks as payable to the District Judge.

4. It is not in dispute that the petitioner worked as a Member (Judicial) of the Delhi State Consumer Disputes Redressal Commission w.e.f. 01.07.2008 to 16.10.2010.

5. The petitioner made a representation on 02.09.2008 for revision of the honorarium in terms of the honorarium and other allowances being paid for the similar nature of work being performed with the similar qualification. However, the Government did not take any action during this period and finally, he was retired from the said post on 16.10.2010, after completion of his tenure. Thereafter, the petitioner did not take this issue before any court of law as he was pursuing the said case before the department.

6. Consequently, on 17.09.2013, an amendment in Rule 6 in the Principal Rules, in rule 6, in clauses (b) of Sub rule (1) of the Delhi Consumer Protection, Rule 1987 was brought into effect vide gazette Notification dated 17.09.2013 and accordingly, Rs.30,000/- was substituted as honorarium in the said amendment notification. It is clearly mentioned in the said amendment that this notification shall be in force w.e.f. 17.09.2013.

7. Learned counsel for the petitioner before this court submits that

the said amendment is to be implemented retrospectively and difference of the perks may be paid in favour of the petitioner.

8. Keeping in view, the facts and circumstances of the present case and submissions of learned counsel appearing for the petitioner, I hereby, dispose of the present petition, with a direction to the respondent to consider the present petition filed by the petitioner as a representation of the petitioner and take a decision thereon whether the said amendment to be applied retrospectively or not. The respondents are directed to deliberate this issue and make a policy in this regard.

9. The Chief Secretary of Government of NCT of Delhi shall look into the matter and take a final decision within a period of three months from the receipt of this order.

10. With the above directions, the writ petition and the pending application, if any, are disposed of, accordingly.

SURESH KUMAR KAIT, J

OCTOBER 22, 2018

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