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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

CORAM:

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P.NO.16775 OF 2020

P.Subburaj

... Petitioner-in-Person

.Vs.

1. The Government of India,
Ministry of Consumer Affairs,
Food and Public Distribution,
Department of Consumer Affairs,
Rep. by its Secretary,
New Delhi - 110 001.

2. The Government of Tamil Nadu,
Civil Supplies and Consumer Protection Department,
Rep. by its Secretary
Secretariat, Fort St. George
Chennai - 600 009.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records pertaining to the Government order in G.O.(Ms) No.125, Co-operation, Food and Consumer Protection (H1) Department, dated 20.10.2015 on the file of the second respondent and to quash the same as illegal, incompetent and ultra vires and consequently direct the second respondent to frame appropriate Rules by providing for appointment of retired District Judge/Retired Presiding Officer, District Consumer Forum to the post of Registrar, State Consumer Dispute Redressal Commission.

For the Petitioner : Mr.P.Subburaj
Party-in-person



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For the Respondents : Mr.S.Muthusamy
Additional Central Government
Standing Counsel
For 1st Respondent

: Mrs.R.Anitha
Special Government Pleader
For 2nd Respondent

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

This writ petition has been filed to seek a direction to call the records pertaining to the government order in G.O. (Ms) No.125, Co-operation, Food and Consumer Protection (H1) Department, dated 20.10.2015 and to quash the same being illegal, incompetent and ultra vires and consequently, direct the second respondent to frame appropriate rules by providing for appointment of retired District Judge/retired Presiding Officer of District Consumer Forum to the post of Registrar, State Consumer Dispute Redressal Commission.

2. The petitioner, appearing in person, has made a reference of the government order dated 20.10.2015 to be in conflict with the new legislation of the Consumer Protection Act, 2019 (for short, "Act of 2019") and the respondents have not framed the rules for making appointment and, accordingly, a direction be given so that petitioner is also considered for appointment, as otherwise he remained in the forum for some time.

3. The facts available on record do not show a challenge to the denial of the appointment to the petitioner. The writ petition was filed enclosing the Act of 2019 now operational but failed to refer the Rules of 2020. The petitioner has thus ignored the rules already framed i.e., the Consumer Protection (Qualification for Appointment, Method of Recruitment, Procedure of Appointment, Term of Office, Resignation and Removal of the President and Members of the State Commission and District Commission) Rules, 2020 (for short, "Rules of 2020") which came into force on 20.07.2020. Now the appointment has to be regulated by the Rules of 2020. But without making a reference of it, a prayer has been made even inconsistent with the rules.

4. The petitioner has earlier filed W.P.No.30653 of 2019, which was withdrawn by him with liberty to file a fresh petition



2. The Secretary,
Government of Tamil Nadu,
Civil Supplies and Consumer Protection Department,
Secretariat, Fort St. George,
Chennai - 600 009.

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+1cc to Mr.P.Subburaj, Advocate, S.R.No.3815
+1cc to the Government Pleader, S.R.No.4050

W.P.NO.16775 OF 2020

GJ(CO)
PBS/28/01/2022