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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-24035-2015 (O&M)

*Date of Decision: 28.08.2023*

**KARNAIL SINGH CHAMBAL**

.....Petitioners

V/s.

**STATE OF PUNJAB THROUGH ITS SECRETARY, DEPARTMENT OF  
FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS, CONSUMERS  
PROTECTION ACT BRANCH AND OTHERS**

....Respondents

**CORAM:    HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**

Present:     Mr. H.C. Arora, Advocate,  
                    and Ms. Sunaina, Advocate,  
                    for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

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**SANJEEV PRAKASH SHARMA, J. (Oral)**

1.     The prayer of the petitioner in the present case is no more *res integra*.

2.     Learned counsel for the petitioner has invited the attention of this Court to the order passed in CWP-22913-2014 titled as Sat Paul Garg Vs. State of Punjab and Others decided on 02.12.2016.

3.     It would be apposite to quote the issue before the Court therein and the order passed in the aforementioned Writ Petition, which is as follows:-.

*“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.”*

4. It is noticed that the aforesaid judgment has been upheld by the Division Bench of this Court in LPA-976-2017 decided on 27.08.2019.

5. In the present case too, the petitioner has opted for the last pay less pension.

6. Accordingly, the petitioner is required to be paid the said amount for the period he worked as Member of the District Consumer Forum. The respondents are directed to pay honorarium fixed as per last pay drawn minus pension with effect from the date of his appointment i.e. 02.03.2012 till 01.03.2017 along with arrears with interest @ 9% per annum. The same shall be released within three months from the date of receipt of certified copy of this order.

7. The Writ Petition is allowed in the aforesaid terms.

8. Pending application(s), if any, stand disposed of accordingly.

August 28, 2023

Ess Kay

[ SANJEEV PRAKASH SHARMA]

JUDGE

|                             |   |     |   |    |
|-----------------------------|---|-----|---|----|
| Whether speaking / reasoned | : | Yes | / | No |
| Whether Reportable          | : | Yes | / | No |