

SALARIES OF CONSUMER FORUM MEMBERS

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

DATE OF DECISION : April 18, 2012

1. C.W.P. No.9760 of 2010
H.C.Arora v. State of Punjab and others.

2. C.W.P. No.18748 of 2009 (O&M)
Daljit Singh Bakshi and others v. State of Punjab and others.

3. C.W.P. No.7655 of 2011 (O&M)
P.K.Goklaney v. State of Punjab and others.

4. C.W.P. No.7315 of 2010 (O&M)
Lt.Col.Darshan Singh and others v. Union of India and others.

**CORAM : HON'BLE MR.JUSTICE RANJAN GOGOI CHIEF JUSTICE
HON'BLE MR.JUSTICE MAHESH GROVER**

- Present:-**
- Shri H.C.Arora, petitioner in person in C.W.P. No.9760 of 2010.
 - Shri M.L.Sarin, Senior Advocate with Ms.Alka Sarin, Advocate for the petitioner in C.W.P. No.7315 of 2010.
 - Shri PK.Goklaney, petitioner in person in C.W.P. No.7655 of 2011.
 - Shri R.S.Bains, Advocate for the petitioner in C.W.P. No.18748 of 2009.
 - Shri Amol Rattan Singh, Additional Advocate General, Punjab.
 - Shri Anil Rathee, Additional Advocate General, Haryana.
 - Shri Sanjay Kaushal, Senior Standing Counsel for U.T. Chandigarh.

RANJAN GOGOI, C.J. (Oral)

/// All these four writ petitions having raised common questions of law on more or less similar facts have been heard together and are being disposed of by the present order.

The central issue in the writ petitions is regarding the remuneration payable to the members of the State Level Consumer Forums as well as the District Level Consumer Forums in the States of Punjab and Haryana and the Union Territory of Chandigarh. More particularly, the dispute has been raised regarding the remuneration being paid to other members of the State Commission and the District Consumer Forums having judicial background and the non-judicial members which is perceived by the petitioners to be having a discriminatory tilt.

According to the petitioners, a person with judicial background appointed as a Member is at par with any person so appointed who comes from a different background ; yet there is a difference in the remuneration paid to such members which amounts to some kind of a discrimination besides being not conducive to good and efficient discharge of duties.

Members of the State Commission and the District Level Fora are statutory authorities appointed by the prescribed authority under the statute. The service conditions of such members are governed either by the rules framed under the statute or by administrative orders issued by the competent authority under the Act.

According to us, the controversy raised in the writ petitions is capable of being resolved by application of the elementary principles governing the exercise of the writ power under Article 226 of the Constitution of India.

Applying the said rules, we are of the opinion that the prescribed service conditions governing the functionaries of statutory bodies including

payment of remuneration are essentially issues which lie in the domain of the decision making of the employer who is empowered to set down the conditions of service which also include the payment of remuneration.

The Court cannot substitute its opinion to prescribe a particular remuneration for a functionary governed by rules on the ground of inadequacy and such a grievance necessarily has to be attended to by the employer.

Having said so, we now examine the plea of discrimination raised by the petitioners. This grievance ostensibly stems from different sets of remuneration made available to the members having judicial background and others coming from other sources having no judicial experience.

We find that even though the duties performed by the members may be similar, yet there is an element of justification for prescribing difference in the remuneration being paid to them. A retired District & Sessions Judge with vast judicial experience may, in the opinion of the employer, be worthy of the benefit of an extra remuneration in comparison to his counter-part who possibly may be a social worker or a member of the public fulfilling the prescribed parameters under the Act or even an Advocate. Such differentiation in our considered view, is founded on an intelligent differentia distinguishing a retired judicial officer from others more particularly so, when the assignment given to them demands a judicial approach and thus, this discrimination to our minds does not amount to a hostile discrimination so as to enable us to hold it to be violative of Article 14 of the Constitution of India.

The averments made in the responses filed by the respondents as also the material placed before us indicates that during the pendency of the writ petitions, the remuneration payable to the members of the State Fora as also the State Commissions in the States of Punjab, Haryana and Union Territory of Chandigarh have undergone an upward revision, the details of which are extracted

here below :-

PUNJAB

1. Members of Punjab State Consumer Disputes Redressal Commission getting Rs.30,000 per month to Rs.35,000 per month.
2. Members of First Additional Bench getting Rs.20,000 per month to Rs.35,000 per month.
3. Members of District Consumer Forums getting Rs.12,000 per month to Rs.18,000 per month.
4. This increase will come into force w.e.f. from 1.4.2012.
5. It has also been decided to review the honorarium given to the members of District Consumer Forums in every 3 years.
6. Members who are appointed from judicial side or some other Government job, they can opt for fixed remuneration or they can get last pay drawn minus pension. //

HARYANA

"The Governor of Haryana is pleased to grant the revised pay scale of Rs.57700-1230-58130-1380-67120-1540-70290 as replacement of pre-revised pay scale of Rs.18750-22850 per month plus other allowances as admissible to grade A officers of the Haryana Government from time to time, to the Presidents of the District Consumer Disputes Redressal Fora in the the State of Haryana, with effect from 1.1.2006.

This issues with concurrence of Finance Department Conveyed by their U.O.No.9/1/2006-4FG-II/1160 dated 30.5.2011.

...

...

...

The Governor of Haryana is pleased to increase the honorarium from

Rs.10,000/- (Rs.Ten thousand only) to Rs.20,000/- (Rs.Twenty thousand only), per month of all the Members of the District Consumer Disputes Redressal Fora in the State of Haryana, with immediate effect.

This issues with concurrence of Finance Department conveyed by their U.O. No.9/1/2006-4FG-II/1160 dated 30.5.2011.

U.T.CHANDIGARH

1. The lumpsum honorarium of full time members of State Consumer Disputes Redressal Commission be revised from Rs.20,000/- p.m. to Rs.35,000/- p.m. and for the full time members of District Consumer Forum the lumpsum honorarium be revised from Rs.12,000/- to Rs.18,000/- p.m. w.e.f. 1.4.2012 as proposed in Punjab. The further revision may be proposed after 3 years as decided by the Government of Punjab.
2. At present, members of State Consumer Disputes Redressal Commission and District Consumer Forum in U.T.Chandigarh are being paid @ Rs.150/- per day per sitting as conveyance allowance. Representative from the State Commission pointed out that this works out in between Rs.2700/- to Rs.3150/- p.m. per member. It is paid out of the contingency fund and it involves a lot of paper work in office. In order to reduce the paper work and to have uniformity it is recommended that conveyance allowance be fixed as Rs.3,000/- p.m. per member w.e.f. 1.4.2012.
3. The Committee also recommends that amount upto Rs.1000/- p.m. may be reimbursed to members of State Commission/

District Fora per month for using the mobile phone w.e.f.
1.4.2012.”

This has materially addressed the grievance of the petitioners and since we do not find any element of hostile discrimination existing between the remuneration being paid to the members of the District Fora as also the State Commission amongst the members having judicial experience and the other members, we do not find any cogent ground for making interference on this issue.

Consequently, the writ petitions are disposed of in the above said terms.

(RANJAN GOGOI)
CHIEF JUSTICE

April 18, 2012
KANG/GD

(MAHESH GROVER)
JUDGE

WHETHER TO BE REFERRED TO REPORTER? YES/NO