

ITEM No.1

Court No. 1

SECTION XI/PIL

A/N MATTER

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

I.A. Nos. 8, 11, 15 in

Petition(s) for Special Leave to Appeal (Civil) No.6928/1999

(From the judgement and order dated 08/10/1998 in CMWP 968/97

of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P. & ORS

Petitioner (s)

VERSUS

JEET S. BISHT & ANR.

Respondent (s)

(for taking affidavit on record and directions)

(W.P.(C) 548/2003 directed to be treated as I.A. in SLP (C) No. 6928/1999 and WP(C) No. 164/2002 and

intervention and directions)

(along with the record of SLP(C) No. 4135/2002 and WP(C) No. 164/2002)

With

WP(C)No.164/2002 (In re: The Implementation & the Working of Consumer Protection Act, 1986)

(with appln.(s) for directions and to take on record additional documents and permission to file additional documents

and amendment of the writ petition and exemption from filing OT)

(for directions)

Date : 27/09/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE G.P. MATHUR

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner (s)

in SLP

Mr. R G Padia, Sr. Adv..

Mr. Javed M Rao, Adv.
Mr. Pradeep Mishra, Adv.
Mr. Ashok K. Srivastava, Adv. (NP)

)
NCDRC Bar Asson.

in WP 164/02

Mr. M N Krishnamani, Sr. Adv.
Mr. Ranji P Thomas, Adv.
Mr. S K Sharma, Adv.
Mr. V N Raghupathy, Adv.
Ms. C K Sucharita, Adv. (NP)

For Respondent (s)

Union of India

Mr. N N Goswami, Sr. Adv.
Ms. Rekha Pandey, Adv.
Ms. Kiran Bhardwaj, Adv.
Mr. V.K. Verma, Adv.
Mr. S N Terdal, Adv.
Mr. B K Prasad, Adv.

Mr. B.V. Balaram Das, Adv.

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State of Assam

Ms. Krishna Sarma, Adv.
Mr. V K Sidharthan, Adv.
Mr. Riku Sharma, Adv.
for Corporate Law Group, Adv.

State of Arunachal

Mr. Anil Shrivastav, Adv.

Pradesh

Mr. Saurabh Shrivastava, Adv.

State of Andhra

Ms. D Bharathi Reddy, Adv.

Pradesh

Mr. P. Vinay Kumar, Adv.

Mr. T V Ratnam, Adv. (NP)

State of Bihar

Mrs. Sunita R. Singh, Adv.

for Mr. B B Singh, Adv.

State of Chhatisgarh Ms. Suparna Srivastava, Adv.
Ms. Deepti Singh, adv.
Mr. Rajesh Srivastava, Adv.
Mr. Prakash Shrivastava, Adv. (NP)

NCT Delhi Mr. Ashok Bhan, Adv.
Ms. Kiran Bhardwaj, Adv.
Ms. Anil Katiyar, Adv.

UTs of Daman & Diu, Ms. Sunita Sharma, Adv.
Lakshadweep, Dadra & Nagar Mr. D S Mahra, Adv.
Haveli, Andaman &
Nicobar

State of Gujarat Ms. Hemantika Wahi, Adv.
Ms. Sadhna Sandhu, Adv.

State of Goa Ms. A Subhashini, Adv.

State of Haryana Mr. Ajay Siwach, Adv.
Mr. T.V. George, Adv.
Ms. Kavita Wadia, Adv. (NP)

State of Himachal Pradesh Mr. J S Attri, Addl. Adv. Genl.

State of J & K Mr. Anis Suhrawardy, Adv. (NP)

State of Jharkhand Mr. Ashok Mathur, Adv. (NP)

State of Kerala Mr. K R Sasiprabhu, Adv.
Mr. Balraj, Adv.
Ms. G. Indira, Adv.

State of Manipur Mr. KH Nobin Singh, Adv.

State of Mizoram Ms. Hemantika Wahi, Adv.
Ms. Monika Bapna, Adv.

Mr. Gopal Singh, Adv.

State of Tamilnadu

Mr. R Gopalakrishnan, Adv.

Mr. Subramonium Prasad, Adv.

State of Uttaranchal

Ms. Rachana Srivastava, Addl.Adv.Genl.

State of UP

Mr. R G Padia, Sr. Adv..

Mr. Javed M Rao, Adv.

Mr. Pradeep Mishra, Adv.

Mr. Pramod Dayal, Adv.(NP)

Mr. Ashok K Srivastava, Adv.(NP)

State of W.B.

Mr. Tara Chandra Sharma, Adv.

Ms. Neelam Sharma, Adv.

UT Chandigarh

Ms. Kamini Jaiswal, Adv.

Ms. Shomila Bakshi, Adv.

Applicant(s) in IAs 8

Mr. V P Sharma, Adv.

Mr. M P S Tomar, Adv.

Ms. Sandhya Goswami, Adv.

Ms. Malvika Trivedi, Adv.

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For Applicant in IA 15/05

Mr. Ravindra Kumar, Adv.

Mr. N S Bisht, Adv. (NP)

Mr. V. Sudeer, Adv.

Mr. Balaji Srinivasan, Adv.

Mr. MBRS Raju, Adv.

Mr. S. Srinivasan, Adv.

Mr. Rajeev Sharma, Adv.(NP)

State of Karnataka

Mr. Sanjay R Hegde, Adv.

Mr. Anil K. Mishra, Adv.

Mr. A.Rohen Singh, Adv.

Mr. Radha Shyam Jena, Adv.(NP)

Mr. J P Dhanda, Adv.(NP)

Ms. Revathy Raghavan, Adv.(NP)

Mr. T Mahipal, Adv.(NP)

Mr. Pallav Shishodia, Adv. (NP)

UPON hearing counsel the Court made the following

ORDER

Mr. M.N. Krishnamani, the learned senior counsel appearing for the NCDRC Bar

Association confines his submissions today only to two grievances on which we have heard him and

Mr. N.N.Goswami, learned senior counsel for the Union of India.

It is pointed out that vide statement annexed with the additional affidavit of Shri S.K.

Sharma, President of the NCDRC Bar Association filed on 1.8.2005 (Page 538 of the paper book) that

there are vacancies in the State Commission and District Forums in different States which have not

been filled up for a long time. From a perusal of the information contained in the abovereferred

statement, we find that in particular there are good number of vacancies in the States of Assam,

Bihar, Haryana, Jharkhand, Madhya Pradesh and Orissa. Issue notice to these States through their

respective standing counsel to ascertain the facts and to furnish information as to why the vacancies

have not been filled up and how much time will it take to fill up the vacancies.

Mr. M.N. Krishnamani, learned senior counsel further invites attention of the Court to

the statement contained in para 13 of the affidavit filed by Shri N.S. Pangtey, Deputy Director,

Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution,

Union of India (Page 156 of Vol. II in I.A. Nos. 7-8/2003). It is submitted that the proposal for

enhancement of the honorarium and other perks of the Members of the National Commission has

been awaiting consideration and decision of the Government of India for a long time. Prima facie, we

are of the opinion that so far as the Members who have earlier held office as a Judge or under the

government are concerned, the formula for payment of honorarium calculated on the basis of last pay

drawn minus pension is very reasonable and commonly accepted formula and there should not be any

difficulty in accepting the same for fixing the honorarium of such Members. For such Members as

belong to the category other than the one mentioned above, a reasonable amount of honorarium and

perks may be fixed.

Let a considered decision be taken in that regard at the earliest and brought to the

notice of the Court. on a prayer made by Mr. N.N.Goswami, learned senior counsel appearing for the

Union of India, six weeks time is allowed for the purpose. We hope and expect that there will be no

delay in taking the decision.

List after six weeks.

All the pending I.As. shall be taken up for consideration on the next date.

(AJAY KR. JAIN)

(RADHA R. BHATIA)

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