

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 982 of 2024

Petitioner :- Come On India

Respondent :- Union Of India And 2 Others

Counsel for Petitioner :- Shivam Shukla, Vinod Kumar

Counsel for Respondent :- A.S.G.I., Archit Mehrotra, A.K. Goyal, A.C.S.C., Seema Agarwal, S.C.

Hon'ble Arun Bhansali, Chief Justice

Hon'ble Vikas Budhwar, J.

1. This writ petition in the nature of public interest litigation has been filed by the petitioner-Society, inter alia, seeking a direction to the respondents to allow all the retiring Presidents and Members of the District Consumer Disputes Redressal Commission ('DCDRC') of Uttar Pradesh to continue in their posts until fresh appointments are made. Further the validity of the Rule 10 of the Consumer Protection (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 ('the Rules of 2020') has been challenged.

2. Learned counsel for the petitioner made submissions that several of the posts at the DCDRC have already become vacant as the appointments having not been made by the respondents on account of pendency of the litigation in this regard before the Hon'ble Supreme Court and that in case, no order is passed by this Court for continuing the existing Members till such time, the fresh Members are appointed, the Commissions would be without Presidents/Members resulting in the matters getting piled up and the consumers not getting relief. Reference has been made to the orders passed by the Hon'ble Supreme Court in ***Ganeshkumar Rajeshwarrao Selukar & Ors Vs. Mahendra Bhaskar Limaye & Ors***, : S.L.P. No. 25612 of 2023, wherein on 21.05.2024, Hon'ble Supreme Court has directed that those applicants, who are still in service, shall be continued till further orders, which order has been reiterated on 27.05.2024 and now, the SLP is ordered to be listed on

25.06.2024.

3. Learned Government Counsel made submissions that in view of the fact that the provisions of the Rules of 2020, have been struck down by the Bombay High Court against which the proceedings are pending before Hon'ble Supreme Court, wherein interim order though has been granted on 07.03.2024/21.05.2024, the same is not final and, therefore, the appointments cannot be made till such time, that a final decision is taken with regard to Rules of 2020.

4. Learned Government Counsel has placed a list pertaining to the tenure of various Chairmen and Members of the DCDRC, wherein 31 posts are presently vacant and few more posts are likely to become vacant during the months of June and July and by December, the same would be 109 in number.

5. As the timeline pertaining to outcome of the matter pending before the Hon'ble Supreme Court is totally uncertain and the posts in various District Consumer Dispute Redressal Commission would keep on becoming vacant on account of the tenure of the Members coming to an end, in view of the interim order granted by Hon'ble Supreme Court in the case of *Ganeshkumar Rajeshwarrao Selukar & Ors (supra)*, on 21.05.2024, we deem it appropriate and, therefore, direct that those Chairmen and Members, who are still in service, shall be continued till further orders. The said order would be subject to the outcome of the directions issued by the Hon'ble Supreme Court.

6. List the petition on **12.07.2024** as fresh.

Order Date :- 31.5.2024

N.S.Rathour/RK

(Vikas Budhwar, J) (Arun Bhansali, CJ)