

**GOVERNMENT OF KERALA****Abstract**

Consumer Affairs Department – Judgement dated 12-04-2024 of the Hon'ble High Court of Kerala in WP(C) No.22524/2019 filed by Sri.Jacob Stephen and others – complied with - Orders issued.

CONSUMER AFFAIRS DEPARTMENT

G.O.(Rt)No.24/2025/CAD Dated,Thiruvananthapuram, 13-05-2025

Read 1 G.O.(P) No.175/2016/Fin dated 28-11-2016.

2 Judgment dated 12-04-2024 of the Hon'ble High Court of Kerala in WP(C) No.22524/2019 filed by Sri.Jacob Stephen and others.

ORDER

As per the G.O. read as 1st paper above members of statutory commissions who have no prior Government service are eligible for retirement benefit at rates prescribed in the Government order according to their service terms in the commissions.

2) Sri.Jacob Stephen and others, former presidents of District CDRCs filed WP(C) No.22524/2019 praying to grant them higher rate of Retirement benefit according to their scale of pay ie.Presidents of District CDRCs in the state.

3) As per the judgment read as 2nd paper above , the Hon'ble High Court has ordered that it would be appropriate if the Government would have addressed the grievance of the petitioners in Ext.P4 (the representation dated 07-08-2019 submitted by the petitioners before the respondent authorities) in compassion and revise Ext.P3(G.O.(P) No 175/2016/FIN dated 26.11.2016) benefits .The Hon'ble Court is of the considered opinion that Ext.P5 is to be set aside and directed the 1st respondent(State of Kerala represented by its Chief Secretary,Govt of Kerala) to reconsider Ext.P4 (the representation dated 07-08-2019 submitted by the petitioners before the respondent authorities) within a period of six months from the date of receipt of the copy of the judgment.

4)Earlier Government as per the letter dated 05-01-2020 (Ext.P5) had given clarification to Sri.G.Sivaprasad (one of the petitioners) that as per G.O. read as 1st cited, Government have

formulated a general scheme for all the statutory Commissions in the State taking into account the fact that the service conditions, scale of pay and allowance, rules functions, status and powers of these Commissions are varied. Further intimated the petitioner that it is not an administratively feasible option to fix scale of retirement benefits according to the posts held by members of various statutory Commission.

5)As per rule 15(1) of Kerala consumer Protection Rules, 2005 the Presidents of the District Forum, if he is qualified to be appointed as the District Judge and appointed on full time basis is entitled to pay in the scale of pay admissible to the District Judge plus allowances attached there to. As per Rule 15(4) of the Consumer Protection Rules, 2005 it is categorically stated that the Service of President of a Consumer Disputes Redressal Forum shall not be counted for the purpose of pension.

6)As per G.O.(P) No.175/2016/Fin dated 28-11-2016, read as first paper above, Government have formulated a general scheme for the Statutory Commissions in the State. The service conditions, scale of pay and allowance, rules, functions, status and powers of the various Commissions are varied. It is not administratively feasible option to fix scale of retirement benefits according to the posts held by the members of various statutory Commission. The Government Order (GO(P) 175/2016/Fin dated 28.11.2016) was issued after taking into consideration of numerous requests for granting retirement benefits from members of statutory Commissions who were appointed from outside Government service and who did not enjoy any service retirement benefits. The grant of retirement benefits to the non-judicial members of Statutory Commissions according to the number of years served is a token of consideration to them. This is a general scheme spanning all Statutory Commissions of the State and cannot be altered to accommodate the grievance of a minor group of beneficiaries in Consumer Disputes Redressal Forums. The decision to fix the scale of pay of retirement benefits according to the service terms of members of various commissions was not arbitrary but one arrived at after taking into account the magnitude of present and future financial implications of the case. The service conditions, scale of pay and allowance, rules, functions, status and powers of these commissions are varied. And only those members of these commissions who did not receive any other pension from Government are eligible for retirement benefits under this scheme. It is not an administratively feasible option to fix scale of retirement benefits according to the posts held by members of various statutory commissions. Service in statutory commissions are for short periods and

the persons who have volunteered for such service, have already been honored by the Government with adequate pay and allowances. Sanctioning pensionary benefits too at such large scales would place enormous financial burden on the Government. These pension schemes cannot be equated with the statutory/ contributory pension given to the Government employees selected on prescribed norms and retiring after duly approved Government service.

7) Hence the retirement benefits sanctioned under G.O. read as 1st paper above can not be equated with service pension benefits. It can be noted that the term 'retirement benefit' have been used to describe the monthly sums disbursed to the retired members of statutory Commissions.

8)Based on the facts detailed above,the request of the petitioners to grant them higher scale of retirement benefits according to their scale of pay ie. Presidents of District CDRCs in the State can not be considered and the plea of the petitioners is rejected.

9)The judgment dated 12-04-2024 of the Hon'ble High Court in WP(C) No.22524/2019 is thus complied with.

(By order of the Governor)
Ajit Kumar I A S
SECRETARY

To:

The Secretary & Registrar, State Consumer Disputes Redressal Commission, Thiruvananthapuram.

The persons concerned (through Secretary & Registrar,State CDRC)

The Commissioner, Civil Supplies & Consumer Affairs,Thiruvananthapuram.

Law Department

Finance Department

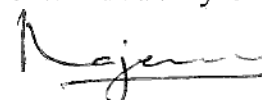
The Accountant General (Audit/A&E), Kerala,Thiruvananthapuram.

The Advocate General Kerala (with C/L)

The Web & New Media.

The Stock File/Office Copy (File No.CA3/64/2022/CAD)

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Section Officer