

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO. 871 OF 2012

DISTRICT :PUNE

Mrs. Anjali Laxmikant Deshmukh)
B-2, Shrinivas Garden,)
Near Kedarnath Temple, Model Colony,)
Shivajinagar, Pune – 411 016.)
Address for service of notice)
Same as above)...**Applicant**

VERSUS

1) State of Maharashtra)
Through The Principal Secretary,)
Food, Civil Supplied and)
Consumer Protection Department,)
Mantralaya, Mumbai – 400 032.)

2) State of Maharashtra)
Through The Principal Secretary,)
Law and Judiciary Department,)
Mantralaya, Mumbai – 400 032.)

3) The President)
State Consumer Disputes)
Redressal Commission,)
Maharashtra, Mumbai.)
Address for service of notice)
Same as above.)...**Respondents**

Smt. Punam Mahajan, learned Advocate for the Applicant.

Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

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CORAM : **Shri Rajiv Agarwal, Vice-Chairman**
Shri R.B. Malik, Member (J)

DATE : **11.03.2016**


PER : **Shri Rajiv Agarwal, Vice-Chairman**

ORDER

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. This O.A. has been filed by the Applicant seeking a declaration that her re-appointment by order dated 4.8.2011 the President of the District Consumer Forum, Pune was in accordance with law and the recommendation of the Respondent No.3 dated 6.7.2012 to remove the Applicant from the said post was contrary to the provisions of the Consumer Protection Act, 1986.
3. Learned Counsel for the Applicant argued that the Applicant was first appointed as President, District Consumer Forum under the Consumer Protection Act, 1986 by order dated 16.5.2006. The Applicant completed her tenure of 5 years on 23.5.2011. The Applicant applied for reappointment for another term and was given appointment by order dated 4.8.2011. Government of Maharashtra notified Rules recruitment to the posts of President and

Members of District Consumer Forums on 3.1.2012. These rules provide that a person appointed as Member/President, on expiry of his term has to apply fresh for another term. Learned Counsel for the Applicant stated that the Applicant and other Presidents of District Consumer Forum, who were appointed for second term were called on 24.7.2012 at the State Consumer Disputes Reversal Commission at Mumbai. The Presidents were asked to submit resignation failing which their services were to be terminated. The Applicant made various representations to the Respondents that a President of the District Consumer Forum is eligible for a second term and the decision of the selection committee in its meeting held on 24.7.2012 to the contrary is not legally tenable. As no reply was received, the present O.A. was filed. Learned Counsel for the Applicant argued that this issue has since been decided by Hon'ble Bombay High Court in a group of Writ Petitions No.11716 of 2012 and others by judgment dated 8.6.2015. It has been held by Hon'ble High Court that:-

“(i) We hold that the President of a District Forum is entitled to seek re-appointment for another term as provided in first proviso to sub Section (2) of Section 10 of the said Act. We, however, hold that the President of a District Forum can seek reappointment only once and he is not entitled to seek reappointment after completing two terms in the office of the President.”



4. The Applicant was already selected as President of District Consumer Forum and was appointed by order dated 4.8.2011 for second term of five years. The selection committee in its meeting held on 6.7.2012 had decided to review the cases of those Presidents who were appointed on second term, as the committee was of the opinion that Presidents of District Fora were not eligible for second term. That has been held to be wrong by Hon'ble Bombay High Court. The Applicant had continued to work as President, District Consumer Forum, Pune by virtue of interim order of this Tribunal dated 24.8.2012. The interim order is now confirmed. The Applicant is held to be eligible for second term as President, District Consumer Forum and order dated 4.8.2011 is held to be valid and legal.

5. This Original Application is allowed accordingly with no order as to costs.

Sd/-
(R.B. MALIK)
(MEMBER) (J)

Sd/-
(RAJIV AGARWAL)
(VICE-CHAIRMAN)

Date : 11.03.2016

Place : Mumbai

Dictation taken by : SBA

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