courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 18/08/2026

(2007) 09 NCDRC CK 0053

In the National Consumer Disputes Redressal Commission

ANDHRA BANK — APPELLANT

Vs

B RAMKRISHNA REDDY — RESPONDENT

Date of Decision : 06-09-2007

Acts Referred:

Citation : 2008 2 CPJ 285 : 2008 3 CPR 228

Hon'ble Judges : Chandrashekhar , M.Shama Bhats , Rama Ananth J.

Final Decision : Appeal dismissed

Judgement

1. -THIS appeal is by the O. P. challenging the order dated 15. 3. 2006 passed by the DF, Bellary in Complaint No. DFB/c-89/2005 allowing the complaint of the complainant. The short point that arises for our consideration is whether the complainant who filed a complaint before the DF alleging "deficiency in service" is maintainable or not under the C. P. Act.

2. IT is not in dispute that the complainant was an employee of the O. P. Bank. It is also not in dispute that he retired from service on 31. 1. 2001. It is also not in dispute that he is entitled for Travelling and Baggage allowance on his retirement. According to the O. P. the person who retires from service has to claim the Travelling and Baggage allowance within 6 months from the date of retirement. In the instant case, the complainant has made the claim after 11 months from the date of his retirement. In view of the delay in making the claim the Bank refused to honour the claim made by the complainant. This has made the complainant to file a complaint before the DF alleging deficiency in service. The DF by its order dated 15. 3. 2006 has allowed the complaint and directed the OP-Bank to pay a sum of Rs. 26,503 to the complainant with interest on the amount which was payable towards Travelling and Baggage allowance. This order is under challenge by the OP in this appeal.

Learned Counsel appearing for the O. P. relying upon the decision of the National Commission in Laxman Kini, A. v. The Chairman and Managing Director, Indian Overseas Bank and Others reported in I (2001) CPJ 16 (NC), submitted that complainant being an employee is not a ''consumer'' as defined under the C. P.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/andhra-bank-appellant-hash-b-...

Act and, therefore, he cannot maintain a complaint under the C. P. Act. He has further taken us through the definition of ''consumer'' and submitted that in view of the decision referred to above the complaint is liable to be dismissed as not maintainable. Relying upon Section 2 (1) (d) of the C. P. Act he further submitted that the complainant being an employee cannot be considered as a Consumer under the Act. Under this section if any person avails the services for consideration paid or promised or partly paid or partly promised is considered as a ''consumer'' under the C. P. Act.

3. THE facts involved in this case are different from the facts in the aforesaid case decided by the National Commission. In the above said case non-payment of Insurance premium by the Bank was considered and held it does not amount to a deficiency in service because of the cancellation of the Insurance Policy by the Bank. In the instant case the claim of the complainant is, what he really entitled under the Master Circular. In the instant case admittedly the complainant was an employee of the O. P. Bank. He retired from the service. Consequent on the retirement he is entitled for Travelling allowance and Baggage allowance. So, in the instant case, when the Bank has availed the services of its employee there is a corresponding duty on the part of the Bank to pay the allowances, as per the Master Circular. The non-payment of the said allowances is a deficiency in service on the part of the O. P. Therefore, in our view, the complaint cannot be thorwn out on the ground that the complainant is not a ''consumer'' under the C. P. Act.

4. THE further case of the O. P. is that there is a delay on the part of the complainant in making the claim for payment of Travelling allowance and Baggage allowance. So far as payment of Travelling Allowance and Baggage allowance is concerned the bank does not dispute its liability. Further, after the retirement, there is also a letter written by the complainant on 7. 5. 2001 stating that he would submit the Travelling and Baggage allowance Bill later. When such being the case, if the complainant is entitled for the payment of Travelling and Baggage allowance there is no reason for the O. P. , which availed the services of the employee till the retirement to deny the benefit on the ground of some delay. The delay if any in making the claim also cannot be said to be so unreasonable. Therefore, we are of the view that the impugned order does not call for any interference. In the result, we pass the following: order appeal is dismissed. Appeal dismissed.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/andhra-bank-appellant-hash-b-…