(1997) 11 NCDRC CK 0012

In the National Consumer Disputes Redressal Commission

BANK OF INDIA APPELLANT

Vs

LT. COL. (RETD.) SANTOSH CHANDER ABROL RESPONDENT

Date of Decision : 26-11-1997

Acts Referred:

Citation : 1998 3 CPJ 247

Hon'ble Judges : M.R.Agnihotri , Sushil Paul J.

Final Decision : Appeal dismissed with costs

Judgement

1. BANK of India has come up in appeal against the order dated 24.10.1996 passed by the learned District Forum, Ambala, whereby the complaint of Lt. Col. (Retd.) Santosh Chander Abrol alleging deficiency in service on the part of the BANK of India has been accepted and the BANK has been directed to pay to the complainant interest at the rate of 18% p.a. on the amount of Rs. 40,024/- from the date it became due monthwise with effect from 1.1.1986 on wards alongwith Rs. 500/- by way of costs of litigation.

2. THE complainant had approached the District Forum with the grievance that after retirement from the Indian Army in 1979 he deposited the pensionary benefits received by him with the Bank of India, Branch Ambala Cantt. Though the Bank was duty bound to pay to the complainant the amount of pension correctly in accordance with the amounts received from the Government of India, yet there was grave discrepancy in rendering that service. When it was brought to the notice of the Bank, they admitted their fault and paid an additional amount of Rs. 40,024/-, which was due to the complainant from March, 1986 to 1996. When the complainant demanded interest on this amount, the Bank declined his request and for the recovery thereof the complainant approached the learned District Forum. In their reply, the Bank pleaded that the discrepancy had occurred due to some lack of communication on the part of the Bank and the Civil Defence Department under whose assistance the actual payment of pension was to be calculated. It was due to this reason that the complainant was being under-paid for about ten years. The learned District Forum rejected the plea

raised by the Bank and allowed the complaint granting compensation by way of interest as aforesaid.

In the appeal before us, the learned Counsel for the Bank has vehemently contended that firstly the complaint was barred by time as the complainant could not approach the District Forum after ten years. The argument was considered and rejected as it was a continuing cause of action. As a matter of fact, the complainant was being robbed of his pension for ten long years and the Bank cannot derive any benefit for that. On merits, the learned Counsel for the appellant has pleaded that even if some under-payment had been made by the Bank the deficiency had made up the same by paying the amount of Rs. 40,024/-. Therefore, no interest should have been awarded to the complainant on that amount. The argument is very attractive and refreshing but it has no substance because as Bankers it is the duty of the Bank to compensate the complainant by paying interest at the same rate at which they have been advancing the money to their borrowers. Keeping in view the aforesaid position, the awarding of interest at the rate of 18% p.a. is totally commensurate and proportionate with the gravity of the deficiency in service and the lapse on the part of the Bank. Consequently, the appeal is dismissed. The complainant-respondent, who has appeared in person, shall also be entitled to costs of this litigation, which are quantified at Rs. 2,000/-. Appeal dismissed with costs.