

(1999) 09 NCDRC CK 0025

In the National Consumer Disputes Redressal Commission

CHIEF MEDICAL OFFICER

APPELLANT

Vs

ZARINA KHANAM

RESPONDENT

Date of Decision : 28-09-1999

Acts Referred:

Citation : 1999 3 CPJ 580 : 2000 1 CPC 437 : 2000 1 CPR 551

Hon'ble Judges : K.C.Bhargava , D.D.Bahuguna J.

Final Decision : Revision allowed

Judgement

1. THIS is a revision against the judgment/order dated 29.10.1997 passed by District Forum, Sonbhadra in complaint case No. 484 of 1997.

2. THE brief facts of the case stated are that the complainant was a Urdu translator/ Additional junior clerk in the department of the Chief Medical Officer, Distt. Hospital, Sonbhadra. He was appointed by notification dated 3.2.1995. He joined the post on 31.3.1995 but he was paid salary w.e.f. 25.8.1995 only. THEREafter, he was not paid anything hence the complaint was filed before the District Forum. The case of the opposite party is that this Forum has no jurisdiction to try this matter.

After considering the facts of the case the District Forum came to the conclusion that deficiency in service on the part of the opposite party have decreed the claim.

3. AGGRIEVED against this order the applicant has came up in revision and has challenged the correctness of the order passed by the District Forum. We have heard learned Counsel for the applicant. Notice was sent to the opposite party by registered post but the same has not been returned back. Hence, service is presumed.

4. MR. Rakesh Gupta, Counsel for the applicant has argued that this Forum has no jurisdiction under C.P.A., 1986 to try this case as service matters are not within its jurisdiction. We agree with the arguments of the Counsel for the applicant. The Distt. Forum has no jurisdiction to interfere in the service matters

of the employees. The employees have relation of master and servant and as such it is beyond the scope of C.P.A., 1986. The revision is liable to be allowed. ORDER The revision is allowed and the impugned judgment and order of the District Forum, Sonbhadra is set aside. Let copies be made available to the parties as per rules. Revision allowed.