

(1998) 01 NCDRC CK 0028

In the National Consumer Disputes Redressal Commission

DISTRICT COLLECTOR

APPELLANT

Vs

THIRU SIVASAMI @ MANGATHAN

RESPONDENT

Date of Decision : 28-01-1998

Acts Referred:

Citation : 1999 3 CPJ 467

Hon'ble Judges : E.J.Bellie , Pulavar V.S.Kandasamy , Angel Arulraj J.

Final Decision : Appeal partly allowed

Judgement

1. THIS appeal is by the two opposite parties against whom an award has been passed by the District Forum. The complaint was filed by the husband and three children of one Sarasu. The said Sarasu was employed as Water Carrier in the office of the Geology and Mines, Virudhunagar. The complainants' case is that Sarasu was paying a sum of Rs. 10/- as contribution towards Family Benefit Fund Scheme. She died on 30.9.1993. The complainants being her heirs, are entitled to receive Rs. 60,000/- payable under the said Scheme. When they applied for the same, the opposite parties declined stating that the deceased Sarasu was not eligible for the said Scheme. THIS act of the opposite parties amounts to deficiency in service. On these allegations, the complaint was filed.

2. THE opposite parties contended that the deceased Sarasu was not a permanent employee but only a part-time employee paid from the Contingency Fund and she was not eligible for the Family Benefit Fund Scheme, and as such she could not have the benefit thereunder. It was further contended that the complainants were not consumers. The District Forum held that the complainants are consumers. It further held that Sarasu was eligible for the Family Benefit Fund Scheme since she had been paying a sum of Rs. 10/- towards the scheme and the complainants would be entitled to the benefits under the scheme.

Now in the appeal, we heard both sides. We find no reason that warrants interference with the order of the District Forum. Ex. A-I is the Government letter dated 17.6.1991 of Finance (Pension) Department, Madras-9. Therein, under Clause 5, it has been clearly clarified that the Scheme is applicable for part-time

employees paid from the Contingency Fund in all Departments. This was stated so in the said letter with regard to a query whether the Family Benefit Fund Scheme is applicable to all part-time employees such as Sweeper, Waterman, who are paid from the Contingency Fund in Survey and Land Records Department. This being the position, certainly the complainants are entitled to the benefits of the Scheme after the death of the said Sarasu she having availed of the services of the opposite parties as regards the claim on payment of Rs. 10/- as contribution and hence the complainants are consumers.

3. HOWEVER, as regards the rate of interest allowed by the District Forum i.e., 18% per annum payable on the amount due, in our view, 12% would be reasonable. Therefore, we order that the opposite parties shall pay interest @ 12% per annum instead of 18% per annum awarded by the District Forum. To this extent the order of the District Forum is modified. In other respects the Appeal is dismissed. There will be no order as to costs. Appeal partly allowed.