(1992) 03 NCDRC CK 0057

In the National Consumer Disputes Redressal Commission

K.T. SHIVAIAH APPELLANT

Vs

Canara Bank RESPONDENT

Date of Decision : 16-03-1992

Acts Referred:

Citation : 1992 1 CPJ 253 : 1992 3 CPJ 68 : 1993 1 CLT 297 : 1994 1 CLT 286

Hon'ble Judges : V.Balakrishna Eradi , A.S.Vijayakar , Y.Krishan J.

Advocate : Marthan Kutti

Final Decision : Partly Allowed

Judgement

1. THIS is an appeal against the Order of 30th September 1991, of the State Commission of Karnataka.

2. THE appellant, who was the complainant before the State Commission has charged the respondent Canara Bank with a deficiency in service. THE appellant was sanctioned a pension of Rs.978/- p.m. on the 6th of January, 1987. Out of this amount, a sum of Rs. 326/- p.m. was commuted and the commuted value of the pension sanctioned to be paid to him was Rs. 44,675.04/-. THE Bank did not credit the commuted value of the pension which is Rs. 44,675/- in his saving account, but nonetheless started effecting recovery of the pension commuted which is Rs. 326/- p.m. In the result, his pension was reduced and yet he did not receive the commutation amount with effect from1.2.1987. THE State Commission come to the finding that the deduction of the commuted portion of the pension of Rs. 326/- p.m. with effect from1.2.1987 onwards was not justified when the commuted value of the pension has not been paid to the complainant by credit to his account. THE State Commission, therefore, directed that the commuted portion of the pension which is Rs. 44,675/-should be credited to the savings bank account of the complainant and that he should be paid interest on this amount from 1st February, 1987 onwards at5% p.a., according to rules, compounded till the date of payment, in addition to award of costs of Rs. 500/- to the complainant. The appellant complainant has come up in an appeal against the order of the State Commission on the question of the quantum of damages

awarded to him. In his complaint, he had claimed a sum of Rs. 9,30,000/- as damages. The State Commission had considered these as imaginary damages and disallowed the same except to the extent mentioned above.

We agree with the finding of the State Commission that there was deficiency in service on the part of the bank in not crediting the commuted value of pension to the account of the appellant and at the same time making a deduction of the amount of pension so commuted. We also agree that the amount of damages, i.e., Rs. 9.30 lakhs claimed by the appellant is imaginary, nay fantastic. We, however, consider it just and fair that he should be allowed interest at 18% p.a. on the commuted value of pension which is Rs. 44,675/- as against only 5% compounded allowed by the State Commission from 1st of February, 1988 till the date the commuted amount was or is credited to his account. Order confirmed except to modification.