
(1999) 07 NCDRC CK 0031

In the National Consumer Disputes Redressal Commission

MANAGER, VIVEKANANDA UCHTAR MADHYAMIK VIDHYALAYA APPELLANT
Vs
SURENDRA NATH TEWARI RESPONDENT

Date of Decision : 01-07-1999

Acts Referred:

Citation : 1999 3 CPJ 154

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

Final Decision : Appeal allowed

Judgement

1. THIS is an appeal against the order dated 20.9.1997 passed by the District Forum, Sonebhadra in Complaint No. 585/96. The facts of the case stated in brief are that the complainant was appointed as Assistant Teacher in the year 1992 and was working in the institute of opposite party No. 1. On 25.3.1994 this institute was attached to N.T.P.C. and the complainant was transferred to Saraswati Vidhya Mandir, Sarvodaya Nagar, Prayag, Allahabad. When the complainant went to take his charge there, he was informed that no post of Asstt. Teacher of Science and Arithmetic is vacant at that place hence he cannot be given charge there. After perusal of evidence and hearing of the learned Counsel, the learned District Forum has directed the opposite party to get the complainant join his services within 15 days in Vivekananda Vidhyalaya and to remove the deficiency in service. It was also mentioned in the order that he can be transferred to Allahabad if he can be provided with all the facilities which were available in Vivekananda Vidhyalaya, Sonebhadra.

2. AGGRIEVED against this order, appellant has filed this appeal challenging the correctness of the order by the learned District Forum. We have heard the learned Counsel for the parties. The learned Counsel of the appellant has argued that the complainant is not a consumer as the matter is a service matter which is beyond the jurisdiction of the District Forum. It is the view of the National Commission that the service matter regarding transfer and posting are not within the jurisdiction of the District Forum as the complainant, in that case is not a consumer. The transfer from one place to another is an incident of service and it

is beyond the purview of the Consumer Protection Act. Therefore, the learned District Consumer Forum could not have granted any relief to the complainant. Therefore in view of above, the complaint was not maintainable before the learned District Forum and the learned District Forum has no jurisdiction to decide the matter. ORDER

The appeal is allowed and the order and judgment of District Forum is set aside and the complaint is dismissed.

3. LET the copies of this order issued as per rules. Appeal allowed.
