
(1997) 08 NCDRC CK 0068

In the National Consumer Disputes Redressal Commission

PRAJAPATI SARANGI

APPELLANT

Vs

PRINCIPAL, ROURKELA MUNICIPAL COLLEGE

RESPONDENT

Date of Decision : 07-08-1997

Acts Referred:

Citation : 1998 3 CPJ 434

Hon'ble Judges : P.C.Misra , Biswanath Rath J.

Final Decision : Appeal dismissed

Judgement

1. THE complainant in C.D. Case No. 104 of 1994 disposed of by the District Forum, Sundargarh- II, Rourkela is the appellant. THE deficiency in service in not sending the last Pay Certificate and General Provident Fund accounts by the opposite party is the main grievance of the complainant. He has alleged that he was serving as a Lecturer in Physics in Rourkela Municipal College and on 30.8.1993 he was relieved by the Principal and transferred to some other place. According to him his L.P.C. was held up for a period of five months without giving any reason there for which in fact was sent to the Principal of the transferee College of 22.2.1994. He has alleged that his Service Book was sent to the said transferee College on 27.6.1994 and his G.P.F. particulars were not sent in time for which he could not apply for loan. He has claimed for compensation for the alleged deficiency in service.

2. THE opposite party in his show cause denied all the allegations made by the complainant. According to the opposite party the L.P.C. of the complainant could not be sent because the complainant did not submit the detailed vouchers of the advances taken by him till 13.2.1994 and the vouchers having been received on 13.2.1994, his L.P.C. was sent on 22.2.1994. He also contended that there has been no deficiency in service in the matter of sending the Service Book to the transferee College or the G.P.F. particulars. Apart from answering the complaint petition on merits, the opposite party contended that the dispute presented does not come within the purview of the Consumer Protection Act, for which reason it was to be dismissed. The District Forum after analysis of the facts and

circumstances held that the proceeding is not entertainable as the deficiency alleged by the complainant cannot be remedied by a Consumer Forum even if the same was genuine. The District Forum, however, made some observations to expedite despatch of the informations required to be sent to the transferee College if the same had not been done by that time.

The main question that has been urged in the memorandum of appeal is as to whether the finding that the complainant is not a consumer as defined in the Act is correct. The reason assigned in the memorandum of appeal by the complainant-appellant is that since he had been serving on receipt of salary in the College he must be taken to be a consumer as defined in the Act. It has also been stated in the memorandum of appeal that at least the complainant was a beneficiary of the services rendered by him. According to him hiring the service of the opposite party is not always necessary for satisfying the definition given in the Act.

3. WE have carefully gone through the entire records of the Forum below and heard the learned Counsel appearing for the opposite parties. The complainant who filed this appeal in person by registered post does not appear though he is presumed to have known the date of the case from time to time since after removal of the defects notified by the office, which as per the office order is dated 20.1.1995. It has been held in a large number of cases that in order that a person is to be a consumer as defined in the Act he must have purchased goods for consideration or must have hired or availed of services for consideration. It is a consumer who can present a case for decision by a Consumer Forum and in the present case if the complainant who has offered his services to another for consideration. The complainant was a lecturer in a College whose services were paid for by way of salary. He is neither a consumer nor a beneficiary of a consumer as denned in the Act. In the aforesaid premises, his application before the District Forum was thoroughly misconceived and has been rightly dismissed by the District Forum. WE therefore find no merit in this appeal. Appeal dismissed.