(2015) 05 NCDRC CK 0002

In the National Consumer Disputes Redressal Commission

Case No : 3820 of 2011

Yash Paul Ahuja — APPELLANT

Vs

Chief Branch Manager, Punjab National Bank — RESPONDENT

Date of Decision : 28-05-2015

Acts Referred:

Citation : 2016 1 CPJ 23

Hon'ble Judges : D.K.JAIN , V.K.JAIN J.

Advocate : R.L.GOEL , G.P.PATEL , N.P.Malik , RAJESH MANCHANDA

Judgement

1. COMPLAINANT , Yash Pal Ahuja, a retired Deputy General Manager of Bharat Heavy Electricals Ltd., is a pensioner. His monthly pension is released by OP -2/ Employees'' Provident Fund Organisation (EPFO) and credited by OP -1/Punjab National Bank (PNB) into his Bank Account. He filed a Consumer Complaint before District Consumers Disputes Redressal Forum, Bhopal in 2010, seeking compensation for the inconvenience suffered due to long delay in release of his pension for ten months since January, 2009. His complaint and appeals both were dismissed by the fora below on the ground that there was no deficiency of service on the part of the OPs. Hence, this Revision Petition against dismissal of his claim.

2. WE have carefully considered the records as submitted by the two sides and have heard them at length. The Revision Petitioner/Complainant has argued his case in person. Mr. R.L.Goel, Advocate has argued the case of R -1/Punjab National Bank and Mr. Rajesh Manchanda, Advocate for R -2/Employees Provident Fund Organisation. Under the direction of the Commission, officers of the two respondents, SBI and EPFO have also attended the proceedings.

3. THE Complaint Petition clearly states in Para 6 thereof, "That the petitioner has been filing the live certificate regularly all the years including for the current year the endorsement of which is recorded as an acknowledgement in the Pass Book." In response to this specific assertion, the Written Statement of OP -1 / PNB before the District Forum, merely denied it, without even mentioning the

date when the complainant had last filed his life certificate. Also, it does not mention when exactly the Life Certificate was sent by OP -1/Bank, which enabled OP -2/EPFO to release the withheld pension in November 2009. Similarly, the reply of OP -2/EPFO does not mention the date on which the requisite life certificate was received from OP -1. The fora below have proceeded on different lines, altogether. The District Consumers Disputes Redressal Forum, has held the Complainant himself responsible for non -payment of his cheque of Rs.6000/ -. It has held that the Complainant should have checked his balance in the account before issuing the cheque. Similarly, the M.P State Consumer Disputes Redressal Commission observed that the last credit of pension to the bank account of the Complainant was made on 31.12.2008. Thereafter, since the Complainant did not give any proof of being alive, the credit was stopped. Therefore, there was no deficiency on the part of the OPs. Thus, District Forum has side -stepped the main issue of life certificate and the State Commission has ignored the specific averment in the Complaint.

4. BEFORE us the Revision Petitioner/Complainant did produce the passbook on which, annual endorsements of date of receipt of life certificate have been made in the month of November, 2005 to 2010, including one which is dated 25.11.2008. This is not challenged by the OPs. For this reason, during the course of the present proceedings on 28.10.2014, this Commission gave the following direction: - "On a pointed query by us, learned counsel for the respondent Bank/ Opposite Party no.1 is unable to answer as to when the Life Certificate, admittedly received by the Bank in November 2008 and 2009, were forwarded to the office of the Provident Fund Organization. We may note that the stand of the said Organization in their written version was that the monthly pension was not credited to the account of the petitioner for want of Life Certificate from him and as soon as the Life Certificate was received, the arrears of pension, amounting to Rs.4,780/ - for the period from January 2009 to October 2009, along with monthly pension of Rs.478/ - for November 2009 were credited to the pension account of the petitioner.

On the next date of hearing, a responsible officer of the concerned branch of the Bank shall remain present with the relevant records. The Bank shall also produce the guidelines/circulars, if any, governing the collection of pension on behalf of the pensioners."

5. THEREAFTER the relevant records were verified by the OPs and it was revealed that OP -1/PNB had sent the life certificate of the Complainant, together with that of other five pensioners, on 14.1.2009. The records of OP -2/EPFO also show that the pension in the other five cases was actually released on 31.1.2009. It is therefore, established from the record that the life certificate of the Complainant was forwarded by OP -1 to OP -2 on 14.01.2009. However, for some reason, which has remained unexplained, his pension was released by OP -2/EPFO to OP -1/PNB only on 30.11.2009. This date comes from written reply filed by the OP -2 before the District Forum, which also mentions the cheque

number by which the withheld pension of ten months, together with pension of November 2009, was released to the revision petitioner/complainant.

6. IN retrospect it becomes abundantly clear that the entire proceedings, commencing with the Complaint before the District Forum in 2010 and concluding with this order in Revision Petition of the Complainant 2015, could have been avoided if some effort had been made by the two OPs to verify their own records instead of contesting the matter before the fora below with vague assertions in the their pleadings.

7. IN view of the above, the Complaint is allowed and the orders of the fora below are set aside. In the facts and circumstances of this case, we are of the view that ends of justice would be served if lump sum compensation of Rs.30,000/ -is awarded. Accordingly, we award the same. One half of this amount shall be paid by each Respondent/OP. The same shall be paid within a period of three months from the date of this order, failing which, the awarded amount shall carry interest at 12% p.a. The Revision Petition stands disposed of in these terms.