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STATE CONSUMER DISPUTES REDRESSAL COMMISSION
UTTAR PRADESH LUCKNOW
APPEAL NO. 3063 OF 2002

(against the judgment and order dated 28.10.2002 in Complaint case no. 12/2001 passed by the District Consumer Forum, Raibareli)

Smt. Krishna Kumar Jagdhari
w/o Dr. Anand Singh Jagdhari
r/o Kothi Shanti Kunj, Bus Station Road, Raibareli Appellant

Versus

Karya Palan Yantri, Jal Sanshadhan Khand, Panna,
M.P. and others Respondents

BEFORE

HON'BLE MR. JUSTICE BHANWAR SINGH, PRESIDENT
HON'BLE MR. SYED ALI AZHAR RIZVI, MEMBER

For the Appellant : None is present.
For the Respondents : None is present.

DATED: 29.04.2011

JUDGMENT

MR. JUSTICE BHANWAR SINGH, PRESIDENT (ORAL)

Case called out.

None is present for the parties despite the fact that the cause list of date has been reflected on the internet.

Since it is an old appeal of the year 2002 we deem it appropriate to decide it on merit.

As is borne out from the record it was not a consumer dispute raised before the District Consumer Forum, Raibareli by the Appellant/complainant Smt. Krishna Kumari Jagdhari whose husband was in service of the Madhya Pradesh Government. As pleaded by her, her husband Dr. Anand Singh Jagdhari retired on 31.8.1995. His pension was sanctioned in due course of time and the same was being disbursed through S.B.I. Raibareli, U.P. Certain dues however, were not received in time and the arrears, paid were not accompanied with interest for the

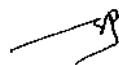
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delay in disbursement of the dues. The respondents contested the complaint on the ground that neither it was a consumer dispute nor the Forum below had territorial jurisdiction to entertain the complaint and decide it. However, the Forum below arrived at a different conclusion and it was held that the complaint was maintainable and the dispute related to consumerism.

We are not in agreement with the finding of the judgment of the District Consumer Forum. The husband of the appellant was in the service of the Madhya Pradesh Government. Even according to the complainant, Jal Sanshadhan Sambhag, Panna, Madhya Pradesh and the Accountant General, Madhya Pradesh were the sanctioning authority of the pensionary benefits of her husband. She could have therefore, filed her complaint before the District Forum of competent jurisdiction of the State of Madhya Pradesh. By no stretch of reasoning the jurisdiction to entertain the complaint could be acquired by the District Consumer Forum, Raibareli. The contention that the pension of the appellant's husband was being disbursed through a bank in Raibareli does not confer any jurisdiction upon the District Consumer Forum, Raibareli to decide the issue subsisting between the parties, as there was ^{no} ^u deficiency in service on the part of the bank. No cause of action had arisen in the territorial jurisdiction of the District Consumer Forum, Raibareli. The cause of action was related to the default on the part of the Government authorities of the Madhya Pradesh and since neither of the two authorities had any office within the territorial jurisdiction of the District Consumer Forum, Raibareli, the impugned judgment pronounced by the said Forum is without jurisdiction and is liable to be set aside on this ground alone.

Moreover, the complainant had claimed interest on the amount in arrears on the count of G.P.F. The issue relating to GPF matter of Government servant does not fall within the ambit of the District Consumer Forum, as such the matter is not cognizable by it. The analogy behind this is that the Government had not provided the services of GPF deduction and maintenance of account in lieu of any payment by the person concerned. It is only the matter of contributory P.F. which is

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cognizable by the Consumer fora. Accordingly, we hold that the complainant had raised a non consumer dispute by way of filing her complaint before the District Consumer Forum, Raibareli. It should have neither been entertained nor adjudicated upon.

There is one more aspect of the matter and it is that the husband of the complainant had retired from the Government service on 31.8.1995 and the complaint was filed in the year 2001. She should have filed the complaint within two years from the date of retirement, although it would have been different that such complaint was barred by territorial jurisdiction as well as by the principle of there being no dispute of consumerism.

Considering all above aspects of the matter, we are of the decisive opinion that the impugned judgment is liable to be set aside. Accordingly, it is quashed and the appeal and complaint of the appellant are hereby dismissed.


(JUSTICE BHANWAR SINGH)
PRESIDENT


(SYED ALI AZHAR RIZVI)
MEMBER

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