



**IN THE NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI**

REVISION PETITION NO. 2394 OF 2018

(Against the Order dated 17.05.2018 in Appeal No. 108/2018 of the
State Commission, Chhattisgarh)

Dena Bank

.....Petitioner(s)

Versus

Prakash Rao

.....Respondent(s)

BEFORE:

**HON'BLE AVM J. RAJENDRA, AVSM VSM (Retd.), PRESIDING MEMBER
HON'BLE MRS. JUSTICE SAROJ YADAV, MEMBER**

For the Petitioner (s) : Mr. Arun Aggarwal and
Ms. Shivani Nautiyal, Advocates

For the Respondent (s) : Ex-parte vide order dated 03.07.2026

Dated : 22.09.2026

ORDER

1. None appears for the Respondent.
2. It is seen from the record that Respondent had placed Ex-parte vide order dated 03.07.2026.
3. Heard learned counsel for the Petitioner in detail.
4. The matter essentially pertains to the grievance of the Complainant seeking refund of Rs.7,41,706.87 which constituted the employer's contribution of the provident fund, with interest up to 18.07.2009 with respect to the service rendered by the Complainant in the OP Bank. The said amount was forfeited by the OP Bank as a sequel to memorandum dated 18.07.2009 as well as letter dated 22.01.2014 vide which the Complainant was dismissed from the service of OP Bank, without notice and with immediate effect by an order dated 18.07.2009.
5. It is seen from the record that Rs.7,41,706.87 was contributed by the Complainant and a corresponding contribution by OP Bank amounting to Rs.7,41,706.87 towards his PF as on 18.07.2009.

RP/2394/2018

Page 1 of 4

DHARMENDRA SINGH

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6. It is the stated position of the Petitioner/OP Bank that of the amount actually contributed by the Complainant, amounting to Rs.7,41,706.87 was in fact disbursed to the Complainant. However, the amount contributed by the OP Bank to the tune of Rs.7,41,706.87 was forfeited post-dismissal of the Complainant from the service of OP Bank as a sequel to certain financial irregularities were proved against the Complainant, and on account of which he was dismissed from service vide order dated 18.07.2009.

7. Being aggrieved by the forfeiture of the said amount, the Complainant filed Consumer Complaint No. 397 of 2015 before the District Forum seeking a refund of Rs.7,41,706.87 which constituted the employer's contribution, with interest up to 18.07.2009, along with damages for mental agony to the tune of Rs.2,00,000 and cost of litigation of Rs.25,000.

8. The District Forum vide order dated 16.01.2018 has passed the following order:

"Thus, on the basis of the above examination, Complaint of the Complainant is since not related to the consumer dispute, therefore, same is not maintainable before the Forum and dismissed. In view of the above circumstances, both the parties shall bear their respective cost of proceedings."

9. Being aggrieved by the District Forum Order, the Complainant filed FA No. 108 of 2018 and the State Commission vide order dated 17.05.2018 partly allowed the appeal as follows:-

"Thus, appeal of the Appellant/Complainant is partially allowed and Respondents/ Non-Applicants are directed jointly and severally that they will pay the bank contribution of the Provident Fund of Rs.7,41,706.87 (Rupees seven lakhs forty one thousand seven hundred six and paise eight seven only) within the period of 30 days from the date of issue of this order and simple interest thereon at the rate of 9 percent per annum from 18.07.2009 till the date of realisation of payment to the Appellant / Complainant on the above amount of Rs.7,41,706.87 (Rupees seven lakhs forty one thousand seven hundred six and paise eight seven only). They shall pay the amount of Rs.20,000/- (Rupees twenty thousand only) for mental agony and Rs.5,000/- (Rupees five thousand only) as cost of proceedings will be paid to the Appellant / Complainant. In view the circumstances of the case, both the parties shall bear their respective cost of proceedings."

RP/2394/2018

Page 2 of 4

DHARMENDRA SINGH

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10. Being dissatisfied by the Order dated 17.05.2018 passed by the State Commission, the Petitioner/OP filed the Instant Revision Petition No. 2394 of 2018 on 23.08.2018.

11. Heard learned counsel for the petitioner in detail and carefully perused the records.

12. It is the specific contention of the learned counsel for the petitioner that the forfeiture of the contribution made by the OP Bank to the tune of Rs.7,41,706.87 is within the scope of the terms and conditions of service of the Complainant with OP Bank. This issue was duly brought out vide letter dated 22.01.2014 prior to forfeiture and the Complainant was rendered opportunity to reply to the show-cause notice, and thereafter, the decision for forfeiture was taken by the OP Bank. He states that these actions are within the scope of banking regulations and that the Complainant had served the OP Bank till he was dismissed from service on charges of financial misappropriation. Since the amount due to be recovered from the Complainant was Rs.86.13 lakhs as on 11.01.2013, the contribution made by the Bank to the extent of Rs.7,41,706.87 was forfeited. Therefore, this action is within the scope of banking policy and does not constitute a consumer dispute by any stretch of imagination.

13. Having duly considered the submissions made by learned counsel as well as careful perusal of the material on record, it is apparent that the action taken by OP Bank was as a consequence of certain disciplinary proceedings initiated by the OP Bank against the Complainant which resulted in his dismissal from service, without notice and with immediate effect vide order dated 18.07.2009. Thereafter, the inquiry appears to have also revealed that there is a liability of Rs.86.13 lakhs on the Complainant which was due to be recovered by OP Bank. As a sequel thereto, notice was issued to the Complainant to recover Rs.7,41,706.87 as a part of the total dues from the Complainant to the OP Bank and this amount was contribution by the OP Bank towards Complainant as provident fund contribution.



RP/2394/2018

Page 3 of 4

DHARMENDRA SINGH

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14. Clearly, the action taken by OP Bank is as per relationship between the parties wherein the Complainant was serving in the OP Bank from which he was dismissed vide order dated 18.07.2009.

15. It is, therefore, clear that there is no consumer-service provider relationship between the parties as regards such forfeiture. If the Complainant had any grievance against OP Bank regarding such recovery on account of certain alleged violations or non-compliance of policies, he was at liberty to seek recourse as per law and that there is no consumer dispute arises in this matter.

16. In view of the foregoing and after due consideration of the entire facts and circumstances of the case including the arguments advanced by the learned counsel for the Petitioner, the Revision Petition No. 2394 of 2018 is allowed. The order passed by the learned State Commission in FA/108/2018 dated 17.05.2018 are set aside, and the complaint is dismissed.

17. The Complainant is, however, granted liberty to approach the appropriate forum to seek redressal of his grievances, if any, as per law.

18. The amount deposited by the OP Bank before the District Forum, if any, is directed to be released on the Petitioner moving an appropriate application.

19. All pending applications, if any, are also disposed of accordingly.



Sd/-

.....
(AVM J. RAJENDRA, AVSM VSM RETD.)
PRESIDING MEMBER

Sd/-

.....
(SAROJ YADAV, J.)
MEMBER

Sangeeta/Court-4/Rajesh/24

RP/2394/2018

Page 4 of 4

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