

DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION, SANGRUR .

Complaint No. 492

Instituted on: 10.09.2019

Decided on: 02.01.2024

Balvir Kaur wife of Late Sh. Labh Singh, resident of VPO Hariyau, Tehsil Lehra Gaga, District Sangrur.

.... Complainant

Versus

1. State Bank of India (formerly SBOP), Branch Lehra Gagga, District Sangrur through its Branch Manager.
2. State Bank of India (formerly SBOP), Zonal Office, Panchkula, through its Zonal Manager (134109).

..Opposite parties

For the complainant : Shri Amit Goyal, Adv.

For the OPs : Shri Ashi Goyal, Adv.

Quorum**Jot Naranjan Singh Gill, President****Sarita Garg, Member****Kanwaljeet Singh, Member****ORDER****JOT NARANJAN SINGH GILL, PRESIDENT:**

1. Complainant has preferred the present complaint against the opposite parties on the ground that complainant is a family pensioner of Govt of Punjab as she is receiving family pension and other dues after the death of her husband Sh. Labh Singh who was employed in the office of Executive Engineer, Water Supply and Sanitation Division, Sangrur. Family pension is being paid to the complainant by the OP number 1 in her saving bank account number 65123181096. Further case of complainant is that the A.G. Punjab sanctioned pension in favour of complainant @ Rs.5202/- per month vide PPO No.1413017910 through letter number PEN-09/2181217910/2013-14/PE/13/11/80024392 dated 14.1.2023 sanctioned Death Gratuity in respect of her husband to the tune of Rs.1,64,388/- in her favour alongwith her son Jeet Singh and minor daughters namely Husan Kaur and Gogi Kaur and the amount was to be paid to the complainant through Treasury Office, Sangrur and after completed the formalities for payment. Further case of complainant is that AG Punjab vide letter number PEN-9/2181217910/2013-14/G.O. NO. 49/bb/7-8-10 dated 18.6.2013 sanctioned another amount of Rs.1,84,398/- in favour of the complainant i.e. a total amount of Rs.3,49,325/- (Rs.1,64,388/- plus Rs.1,84,937). Treasury office Sangrur forwarded the sanction letter alongwith

payment order to SBI Sangrur and SBI Sangrur further forwarded the same to OP number 1 vide despatch number 2617 dated 29.8.2013. Further it is averred that it was the duty of OP number 1 to forward the above said sanction letter to OP number 2 immediately after receiving the same from SBI Sangrur, but OP number 1 kept the same with it without any reason and did not release the pension to the complainant despite personally visiting of the complainant to the office of OP number 1. The complainant though got served a legal notice dated 15.7.2019 upon the OPs to make the payment with interest, but all in vain. Thus, alleging deficiency in service on the part of the OPs, the complainant has prayed that the OPs be directed to pay to the complainant an amount of Rs.3,49,325/- alongwith interest @ 18% per annum from the date on which the case was forwarded by SBOP Sangrur to SBOP Lehragaga till realisation and further claimed compensation and litigation expenses.

2. In reply filed by OPs, preliminary objections are taken up on the grounds that complainant has not come to this Commission with clean hands and has suppressed material facts, that there is no occasion for the complainant to file the present complaint, that present complaint is not maintainable and that the complaint is false, frivolous and vexatious in nature and that the complaint is bad for non-joinder and mis-joinder of the necessary parties. On merits, it is admitted that the complainant is having a saving bank account in question with the OPs and receipt of family pension is admitted one. It is further averred that the OP number 1 did the needful as and when the sanction order regarding payment of gratuity were received. However, the said gratuity order lapsed in the meanwhile from the date of issuance i.e. 14.1.2013 and 18.6.2014, respectively and the complainant never bothered to get the said gratuity orders revalidated or inform the bank regarding non receipt of gratuity payment in her account. It is further averred that when the OP Bank came to know about non payment of Gratuity in the account of complainant, therefore, gratuity order in original was traced and the same was got revalidated from the concerned authorities and the payment was credited to the account of complainant and stake holders as mentioned in the gratuity payment order. It is stated that the complainant never visited the office of the OPs for payment. Lastly, the OPs have prayed that the complaint be dismissed with special costs.

3. The learned counsel for the parties produced their respective evidence.

4. We have perused the complaint, version of the opposite parties and heard the arguments of the learned counsel for the parties.

5. It is an admitted fact between the parties that the complainant is receiving the family pension in the saving bank account as mentioned above maintained with the OP number 1. It is also not in dispute that an amount of Rs.1,64,388/- was sanctioned vide letter dated 14.1.2023, copy of which on record is Ex.C-4 which was later on revised vide letter dated 18.6.2013 Ex.C-5 and total amount of Rs.3,49,325/- was payable to the complainant, which amount was not paid by the OPs as the same was misplaced by OP number 1 and only after tracing the same it was got revalidated from the concerned competent authorities and the payment was credited in the account of the complainant only on 2.2.2021. This fact is clearly mentioned in para 3 (f) of the written reply filed by the OPs. Further we have perused the copy of bank statement of complainant, which is on record as Ex.OPs/2, which clearly shows that an amount of Rs.1,84,937/- plus Rs.1,64,388/- was credited in the account of complainant on 2.2.2021 i.e. after a long period of more than seven years of date of issuance of the gratuity payment order. The complainant also produced before this Commission alongwith the written arguments the original of the Gratuity Order dated 18.6.2013 which was forwarded to her by the Accountant General Punjab Chandigarh. There is no explanation from the side of the OPs that why they kept the payment of the complainant for such a long time of more than seven years, whereas the complainant was running from pillar to post to get her dues. The OPs only awakened for making the payment to the complainant when she approached this Commission by filing the present complaint on 10.09.2019. Now the question which remains for determination is only whether the complainant is entitled to get interest on the said amount of Rs.3,49,325/-. Our answer is in the affirmative because the complainant was entitled to get this amount in the year 2013 when the revised Gratuity Payment order Ex.C-5 was issued on 18.6.2013. If it is assumed that it takes some time to get the approval for payment, then we are of the considered opinion that the complainant is entitled for interest @ 7% on the amount of Rs.3,49,325/- from 1.1.2014 till 1.2.2021 as the payment was made to the complainant on 2.2.2021 as is evident from the copy of bank statement Ex.OPs/2 on record. As such, we find it to be a clear cut case of deficiency in service on the part of the OPs.

6. In view of our above discussion, we allow the complaint and direct the OPs to pay to the complainant interest @ 7% per annum on the amount of Rs.3,49,325/-from 1.1.2014 till 1.2.2021. We further direct them to pay to the complainant an amount of Rs.15,000/- on account of compensation for mental tension, agony and harassment and further an amount of Rs.10,000/- on account of litigation expenses.
7. This order be complied with within a period of sixty days of its communication.
8. The complaint could not be decided within the statutory time period due to heavy pendency of cases.
9. Copy of this order be supplied to the parties free of cost. File be consigned to the records after its due compliance.

Pronounced.

January 2, 2024.

(Kanwaljeet Singh) (Sarita Garg) (Jot Naranjan Singh Gill)

Member

Member

President