

9. Shorn of superfluities we take note of the fact that the complainant/ Appellant has also filed a writ petition before the Hon'ble High court praying for setting aside the orders dismissing the complainant and for the release of the pension as consequential relief the fact which has not been disputed by the Ld. Counsel for the complainant/ Appellant. The Writ Petition is pending disposal as on the date. If that be the case, we refrain from passing any order on the subject on merit.

10. Ordered accordingly.

11. A copy of the order be forwarded to the parties to the case free of cost as statutorily required. A copy of this order be sent to District Forum for information.

12. File be consigned to record.

Delhi State Consumer Disputes Redressal Commission



- Sd -

(JUSTICE MS. SANGITA DHINGRA SĒHGAL)  
PRESIDENT

- Sd -

(ANIL SRIVASTAVA)  
MEMBER

Pronounced Today  
06.07.2020



(am)

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Registrar

Delhi State Consumer Dispute  
Redressal Commission  
New Delhi-110002

*“22. Forfeiture of service: (1) Resignation or dismissal or removal or termination of an employee from the service of tube Bank shall entail forfeiture of his entire past service and consequently shall not qualify for pensioner benefits.”*

5. The contention of the complainant was that he cannot be deprived of the pension scheme. Further the contribution made by him cannot be withheld and that having been denied to him, the OPs have been deficient, leading to filing of a complaint before the District Forum for the redressal of his grievances.

6. The OPs had resisted the complaint before the District Forum on the ground of, among others, maintainability. The objection so raised is as under:

*“at the outset it is submitted that the complainant is not a consumer as defined under Section 2(d) of the the Consumer Protection Act, 1986 and the alleged grievance is not qualified as consumer grievance to enable this Hon'ble Forum to exercise its jurisdiction. It is further submitted that the complainant Sri Satish Sikri, was an employee of the OP and the present dispute as raised with respect to payment or non-payment of the Pension/ disbursement of Bank's Contribution Provident fund, which is not due/ payable to him as per the regulations applicable, can not be termed as consumer dispute. Rather it is a service matter and this forum has no jurisdiction to entertain and same is try this complaint and liable to be dismissed. On this ground alone this complaint deserves to be dismissed.”*

Delhi State Consumer Disputes Redressal Commission



The District Forum has however disposed of the complaint dismissing it on merit. The dismissal of the complaint on merit led to filign of this appeal

8. This appeal was listed before this Commission for final hearing on 25.06.2020 through video conferencing when the counsel for both the sides appeared and advanced their arguments, the appellants for the relief claimed before the fora below and the Respondents for the dismissal of the appeal, no case having been made out for this relief claimed. We have heard the arguments and perused the records of the case

Forum, has preferred an appeal before this Commission under Section 15 of the Consumer Protection Act, 1986, the Act, for short Appellant, against the Canara Bank, hereinafter referred to as Respondents, assailing the said order and praying for the relief as prayed:

a: set aside/ quash the impugned order dated 07.12.2017, passed by Sh. A. S. Yadav, Ld. President, District Consumer Disputed Redressal Forum, Qutub Institutional Area in case no. 74/2013, titled as "Satish Sikri vs. Chairman & MD, Canara Bank & Ors.

b. Further direct the Respondents, to release the amount of pension from the date of his termination of service according to his last drawn salary as claimed by the Appellant in accordance with the provisions contained in Chapter VI of the Pension Regulations, 1995 and to which he is legally entitled.

c. Pass such further orders or directions as the Hon'ble Commission may deem fit, appropriate and proper in the facts and circumstances of the present case.

2. Facts of the case necessary for the disposal of the appeal are these.

3. The complainant joined OP bank in the year 1974 and he became a member of Contributory provident Fund Scheme. In 1995 he opted for Family Pension Scheme under "Employee's Pension Scheme, 1995" in lieu of the Contributory provident Fund Scheme. In the year 2010, disciplinary proceedings were initiated against the complainant and he was dismissed from the service vide order dated 23.06.2010 by the Disciplinary Authority. The complainant preferred departmental appeal against the same which was also dismissed by the Appellate Authority on 07.10.2012. the complainant filed review petition before the reviewing authority which was also rejected. The complainant was denied the pension in view of the Regulation 22 of the Canara Bank (employee's) Pension Regulation 1995.

4. Regulation 22 (supra) posits as under:



**IN THE STATE COMMISSION: DELHI**

(Constituted under Section 9 of the Consumer Protection Act, 1986)

Date of hearing: 25.06.2020

Date of Decision : 06.07.2020

**First Appeal No. 10/2018**

**In the matter of:**

1. **SH. SATISH SIKRI** : Counsel for the Appellant  
s/o. Late Q. R. Sikri Sh. Mohd. Sajid, Advocate  
r/o. 31, Chander Nagar, Janakpuri,  
New Delhi-110058

1. **THE CHAIRMAN** : Counsel for the  
& **MANAGING DIRECTOR** Respondents Sh. Arun  
Canara Bank, Head Office, Sarwal, Advocate  
112, J.C. Road, Bangalore-560002
2. **The General Manager**  
Canara Bank, Circle Office  
Ansal tower, Nehru Place  
New Delhi-110019

The Incharge / Hon. Secretary  
Provident Fund and Pension Department  
Canara Bank, Head Office,  
112, J. C. Road, Bangalore-560002



**CORAM** : HON'BLE JUSTICE-MS. SANGITA-DHINGRA SEHGAL, PRESIDENT  
HON'BLE SHRI ANIL SRIVASTAVA, MEMBER

1. Whether reporters of local newspaper be allowed to see the judgment? Yes  
2. To be referred to the reporter or not? Yes

**PER: Sh. ANIL SRIVASTAVA, Member**

**JUDGEMENT**

1. Aggrieved by the order dated 07.12.2017 passed by the Consumer Districts Redressal Forum-X, Delhi in C-74/2013 in the matter of Mr. Satish Sikri vs. Canara Bank, dismissing the complaint holding that there was no deficiency, Sh. Satish Sikri, the complainant before the District