

(1997) 11 NCDRC CK 0019

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

THIRUVALLUVAR INDUSTRIES
WEAVERS CO-OPERATIVE
PRODUCTION And SALES
SOCIETY LTD.

APPELLANT

Vs

R.AZHAGAMMAL

RESPONDENT

Date of Decision: Nov. 4, 1997

Citation: 1998 1 CPJ 136

Hon'ble Judges: E.J.Bellie , Pulavar V.S.Kandasamy , Angel Arulraj J.

Final Decision: Appeal allowed

Judgement

1. THIS appeal is by the 1st opposite party against whom an award has been passed by the District Forum.

2. ACCORDING to the complainant she and some others were the employees in the Co-operative Production and Sales Society Ltd., Rajapalayam. The Society was deducting towards Small Savings Scheme and Group Insurance Scheme, certain amounts from their salary and they were paying only the balance amount to them. The said deducted amount has not been given to them by the opposite parties. Demands made by them met with failure. On these grounds alleging deficiency in service on the part of the two opposite parties officers of the said Cooperative Society, the complaint was filed.

The opposite parties contested the complaint contending that the complaint under the Consumer Protection Act is not maintainable and the amount deducted is under Government Account in the sum of Rs. 6,842.06, and therefore the opposite parties

are not liable to pay this amount to the complainant, and hence the complaint is liable to be dismissed.

The District Forum held that the complainants are consumers and the opposite parties are liable to pay the amount demanded by the complainants. Accordingly it passed an order.

3. NOW in the appeal we find that the order of the District Forum cannot be maintained in law as correct. It is the case of the complainant herself that she and others are only employees of the Cooperative Society and the Co-operative Society deducted certain amount from their salary. This shows that there was no question of availing of any service by the complainant of the opposite parties and there is no question of payment of any consideration by the complainant to the opposite parties. Therefore the complainant and other employees cannot at all be said to be consumers vis-a-vis the opposite parties. Clearly therefore the complaint is not maintainable in a Consumer Forum. Hence the award passed by the District Forum cannot be upheld as correct.

In the result, the appeal is allowed; the order of the District Forum is set aside; and the complaint is dismissed. However, there will be no order as to costs. Appeal allowed.