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PROPRIETRIX, ANCIENT PHARMA Vs W. PANNERSELVAM

None

Court: NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Date of Decision: April 25, 1994

Citation: 1996 1 CPJ 101

Hon'ble Judges: S.A.Kader, R.N.Manickam J.

Final Decision: Appeal allowed

Judgement

1. THE appeal arises out of the order of the District Consumer Disputes Redressal Forum, Madurai, dated 7.12.93 in Q.P. No. 163/92. THE 1st

Opposite Party is the Appellant.

2. THE Complainant was employed by the 1st Opposite Party and his services were terminated. His claim relates to the Provident Fund amount

recovered from his salary. THE Opposite Parties contended that the Complainant is not a consumer. THE District Forum rejected the contentions

of the Opposite Parties and directed them to pay to the Complainant compensation in the sum of Rs. 3,000/- and costs of Rs. 150/-. It is this

order that is challenged in the appeal by the 1st Opposite Party.

The preliminary objection is raised to the maintainability of the complaint on the ground that the Complainant is not a consumer within the meaning

of Section 2(1)(d)(ii) of the Consumer Protection Act. It is urged by the learned Counsel for the Appellant that the Complainant, from whose

salary a portion is deducted towards Provident Fund is not a consumer within the meaning of the Act and the remedy is to file a suit before a

competent Court of Civil Jurisdiction, relying his plea on the decision of the National Commission in ""Central Bank of India v. Dil Bahadur Singh

III (1993) CPJ 319 (NC). The National Commission has observed as follows: ""The claim of the Respondent/Complainant was about non-

payment of provident fund to him. Of course, the provident fund cannot be retained by the employer, but for that matter the proper remedy for the

claimant was to approach a Civil Court. Payment of Provident Fund can by no stretch of imagination be said to be ""rendering of service"" under the

Act."" In view of this decision of the National Commission, we are constrained to hold that the complaint is not maintainable as the Complainant is

not a consumer.

In the result, the appeal is allowed, the order of the District Forum is set aside and the complaint is dismissed, but without costs. Appeal allowed.