BEFORE THE HON'BLE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION AT KOCHI

IN RE: COMPLAINT NO. \_\_\_\_\_\_\_ OF 20\_\_

IN THE MATTER OF:

P.S. GOPALAKRISHNAN

Male, Age 76 years

Ammus Bunglow Lane, Ponekkara

Edappally, Kochi - 682041

Email: psgopal@email.com

Mobile: 9876543210

...COMPLAINANT

Vs.

THE REGIONAL PROVIDENT FUND COMMISSIONER

EMPLOYEES' PROVIDENT FUND ORGANIZATION

SUB-REGIONAL OFFICE

BHAVISHYA NIDHI BHAVAN, P.B. NO. 1895

KALOOR, KOCHI - 682017

...OPPOSITE PARTY

**COMPLAINT UNDER SECTION 35 OF CONSUMER PROTECTION ACT, 2019**

RESPECTFULLY SHOWETH:

INTRODUCTION:

1. The complainant is P.S. Gopalakrishnan, a \_\_-year-old retired employee residing at the address mentioned above.

2. The opposite party is the Regional Provident Fund Commissioner of the Employees' Provident Fund Organization (EPFO), having its Sub-Regional Office at the address mentioned above.

3. The complainant was an employee of Fertilizers and Chemicals Travancore Ltd. (FACT Ltd.) and a member of the Employees' Pension Scheme 1995 (EPS 1995) administered by the opposite party.

TRANSACTION:

4. On attaining 58 years of age on 07.12.2004, the complainant retired from FACT Ltd. As per the rules of EPS 1995, the complainant was entitled to a pension calculated based on his pensionable salary and past service benefits.

5. The opposite party issued Pension Payment Order No. KR/KCH/PENSION/41497 dated 17.03.2006 (Annexure-1) sanctioning a monthly pension of Rs. 3,494/- to the complainant.

6. The complainant paid his contribution towards the EPS 1995 scheme throughout his employment tenure at FACT Ltd.

NATURE OF COMPLAINT:

7. The complainant submits that there are serious calculation errors in the pension amount sanctioned by the opposite party, resulting in a lower pension payout than what he is entitled to under the EPS 1995 rules.

8. Firstly, the pensionable salary considered for calculating the pension amount is lower than what it should be as per the EPS 1995 rules. As per the rules, the pensionable salary should be the average salary of the complainant for one year prior to retirement, calculated by dividing the total salary for that year by 12. However, the opposite party has allegedly followed a different method of dividing the last one year's salary by 365 and multiplying the quotient by 30, with the intention of reducing the pensionable salary amount to the maximum extent possible.

9. Secondly, the past service benefit sanctioned to the complainant is only Rs. 420/- per month (as per Annexure-1), which is Rs. 180/- short of the minimum Rs. 600/- per month the complainant was eligible for. As per para 12(4)(b) of EPS 1995, since the complainant's age was between 48 and 53 years as on 16.11.1995, he was entitled to a minimum past service benefit of Rs. 600/- per month.

RECTIFICATION:

10. The complainant submitted representations to the opposite party highlighting these calculation errors and requesting rectification vide letters dated \_\_\_\_\_ (Annexures 2, 3...). However, the opposite party's response vide letter no. \_\_\_\_\_ dated \_\_\_\_\_ (Annexure-4) did not satisfactorily address the issues raised by the complainant.

CAUSE OF ACTION:

11. The actions of the opposite party in incorrectly calculating the pensionable salary and past service benefit components, and not rectifying the same despite representations, amount to deficiency in service and unfair trade practice under Sections 2(42) and 2(47) of the Consumer Protection Act, 2019.

OTHER PROVISIONS:

12. The opposite party has violated the provisions of the Employees' Pension Scheme, 1995 in not correctly calculating the complainant's pension amount as per the rules.

EVIDENCES:

13. The complainant relies on the following documents:

a) Pension Payment Order (Annexure-1)

b) Representations to the opposite party (Annexures 2, 3...)

c) Reply from opposite party (Annexure-4)

d) ... (any other relevant documents)

TERRITORIAL JURISDICTION:

14. The complainant submits that this Hon'ble District Consumer Disputes Redressal Commission at Kochi has the territorial jurisdiction to try this complaint as the opposite party's Sub-Regional Office is located within the territorial limits of this Commission.

PECUNIARY JURISDICTION:

15. As the total amount of arrears and compensation involved is less than Rs. 50 lakhs, the pecuniary jurisdiction lies with this Hon'ble District Consumer Disputes Redressal Commission.

LIMITATION:

16. The present complaint is being filed within the limitation period prescribed under Section 69 of the Consumer Protection Act, 2019.

COURT FEE:

17. As per Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules 2020, no court fee is applicable.

PRAYER:

In view of the above facts and circumstances, the complainant most respectfully prays that this Hon'ble Commission may be pleased to:

a) Direct the opposite party to re-compute the complainant's pensionable salary correctly as per the EPS 1995 rules;

b) Direct revision of the past service benefit component to the minimum Rs. 600/- per month as the complainant was over 48 years old on 16.11.1995;

c) Direct payment of arrears of short-paid pension amount along with interest at 8.5% per annum from March 2006 till realization;

d) Award compensation of Rs. 50,000/- (Rupees Fifty Thousand only) for financial losses, harassment and mental agony suffered;

e) Award costs of proceedings to the complainant;

f) Grant any other relief that this Hon'ble Commission may deem fit and proper in the circumstances of the case.

PLACE: Kochi

DATE:

(P.S. GOPALAKRISHNAN)

COMPLAINANT

VERIFICATION

I, P.S. Gopalakrishnan, residing at the address mentioned above, do hereby verify that the contents of the above complaint are true and correct to the best of my knowledge, information and belief. Nothing material has been concealed therefrom.

Verified at Kochi on this \_\_\_\_ day of \_\_ 20.

(P.S. GOPALAKRISHNAN)