**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION NO.0I VISAKHAPATNAM: AP**

**CONSUMER COMPLAINT NO. 59/2022**

**IN THE MATTER OF:**

Gurayya S/o Basayya Age:74Yrs, Occ:Rtd. KSRTC Employee R/o : Sector No.62, Plot No.42, Navanagar, Bagalkot-587 103.

… **COMPLAINANT**

**AND**

1) The Asst. Provident Fund Commissioner, Sub-Regional Office, Vijayanagar Colony, Aland Road, Gulabarga.

2) The Divisional Controller, NWKRTC, Bijapur Division, Divisional Office, Vijayapur.

3) The District Officer, Employees Provident Fund, Organization Ilaviya Building, Station Road, Vijayapur.

… **OPPOSITE PARTIES**

**COMPLAINT UNDER SECTION 35 of THE CONSUMER PROTECTION ACT, 2019**

**RESPECTFULLY SHOWETH:**

1. The address of the complainants, Monisha Mazumdar w/o Dipankar Mazumder, aged 49 years, for the purpose of service of summons is MIG-A-131, 1st floor, Sagar Nagar, Visakhapatnam-530045
2. The address of the 1st opposite party, Assistant Engineer, Operation, for the purpose of serving summons is APEPDCL, Subdivision Sagar Nagar, Visakhapatnam-530045. The address of the 2nd opposite party, Executive Engineer, Operations, for the purpose of serving summons is APEPDCL, Subdivision Madhurawada, APEPDCL Zone-3, Visakhapatnam-530048. The address of the 3rd opposite party, Final Assessing officer,

(Executive Engineer, Assessments), for the purpose of serving summons is APEPDCL,

Corporate Office, ATC Building 2nd floor, P&T Colony, Seethammadhara, Visakhapatnam-530013.

1. The complainant was working with the OP No.2 in the Vijayapur Division and he retired from the service on 31.05.2000. The complainant joined the service of the Op No.2 Corporation on 01.06.1971. In the year 1971 the department of Op No.1 introduced the pension scheme namely Family Pension Scheme 1971 w.e.f 01.06.1971. The membership to the Family Scheme was optional and the complainant opted to join the Family Pension Scheme introduced by the Op No.1’s department. The membership to the said scheme was accepted by the Op No.1 and the family pension account number was allotted to him. Thereafter, the Op No.2 deducted the monthly subscription to the said scheme from the monthly salary of the complainant and the deducted amount was remitted to the office of the Op No.1.
2. It is further stated that, in the year 1995, the department of the Op No.1 repealed the Family Pension Scheme 1971 and introduced the new Scheme known as Employees’ Pension Scheme 1995 w.e.f 15.11.1995. The Op No.1 asked the complainant to submit his willingness to continue his membership to the new scheme. The complainant has given his willingness to continue his membership to the new scheme. The said willingness was accepted by the Op No.1 and enrolled the complainant under the new scheme. After the retirement of the complainant, the Op No.2 has sent all the service records and other details to the office of the Op No.1. Thereafter the Op No.1 settled the monthly pension of the complainant w.e.f. 31.05.2000 under PPO No.KN/GLB/6130. The monthly pension of the complainant was fixed at Rs.350/- per month. The said pension was settled by the Op No.l on 31.05.2000. Accordingly, the said amount of pension is being paid to the complainant.
3. It is further stated that, in the month of June-2016 it came to the knowledge of the complainant through one of his colleagues that there are errors in the calculation of pension fixed to him and it also came to his knowledge that pension now paid to him from the office of the Op No.1 is lesser one that the complainant entitled. Immediately after coming to know about the error in the calculation of the monthly pension, and payment of lesser pension, the complainant gave representation dtd:09.06.2016 to the Op No.1 for the revision of the pension. The said representation is duly received by the Op No.1 replied and denied to revise the monthly pension of the complainant. The said act of the op No.1 amounts to unfair trade practice and deficiency of service. Hence, the complainant is constrained to file this complaint against OPs.

**CAUSE OF ACTION**:

1. The cause of action in the present case firstly arose on the day when the complainant requested for clarification of procedure for filing the claim and the opposite party did not respond, i.e on 24/09/2020. The second instance is when the complainant wrote a letter on 15/03/2021 for which there was no reply. The third instance is when the complainant issued a legal notice on 14/12/2021 for which there was no reply and the last instance was when the opposite party has complied partially with the legal notice i.e on 29/12/2020.

**EVIDENCE:**

The true copies of the following documents have been attached as Annexures for the perusal of the hon’ble commission:

i) Aadhar card of the deceased.

ii) Policy issued by the opposite party

iii) Death Summary of the Apollo Hospital

iv) Death Certificate

v) Letter sent by the complainant

vi) Postal certificate of delivery

vii) Registered legal notice sent to the opposite party

viii) Postal Track report

ix) Postal Acknowledgement

x) Bank Statement of the deceased

**JURISDICTION**: The amount of claim for the insured amount is less than Rs. 50 lakhs and the complainant resides within the territorial limits of this Hon’ble Commission. Hence this Hon’ble Commission has jurisdiction to try and entertain this complaint.

**LIMITATION**: That the present complaint is being filed within the period prescribed under section 69 of the Act, 2019.

**COURT FEE**: As per Rule 7 of Consumer Protection (Consumer Dispute Redressal Commission) Rules 2020, the requisite court fee has been paid.

**PRAYER**:

The complainant therefore prays to direct the opposite party :-

i) To pay Rs.18,00,000/- after deduction of the Rs.2,00,000/- from sum assured of Rs.20,00,000/- ii) To pay Rs. 3,00,000/- towards damages for deficiency in service

iii) To pay the interest @ 12% p.a. for the Rs.18,00,000/- from 29/12/2020 to till date i.e, 29/01/2022

iv) To pay Rs.25,000/- towards costs

iv) Such other relief or reliefs which the Honourable Forum deemed fit, just and proper in the circumstances of the case.

**PLACE**:Visakhapatnam Signature

**DATED**: 29/01/2022

**VERIFICATION**:

I , Mrs. Veerapaneni Sudha Madhavi, w/o Late. Sri Ravikumar, aged 57 years, Mrs. Veerapaneni Dhanya w/o Sri. Kodali Vamsi Krishna, aged 33 years and Kum. Veerapaneni Divya D/o Late. Sri Ravikumar, aged 29 years residing at D. No. 39-21-23, Vidyanagar, Madhavad, Visakhapatnam- 530007 do hereby declare that I have not misrepresented any facts nor have tried to hide any information in my above complaint. All the facts mentioned herein are true to the best of my knowledge.

Name & signature of the complainant