

PENSION CASES CAN NOT BE DELAYED

'If delayed, pay compensation for it, pay for the mental agony and stress.....'
Orders Consumer Forum.

Udupi District (Karnataka) Consumer Disputes Redressal Forum

[Case Nos. CC 134/2009 and CC 138/2009.]

Judgement delivered on 22-3-2010.

Case history:

BSNL Corporate office issued orders on 29-5-2008 for merger of DA in pay of employees with effect from 1-1-2007. Those who retired on or after 1-1-2007 should get its benefit in pension also. BSNL authorities at Udupi and Mangalore as well as the CCA office at Bangalore took their own time to merge DA and revise the pension. Udupi District P&T Pensioners' Association took up the matter, wrote many letters. But authorities did not care. Finally, 13 BSNL pensioners and 6 family pensioners approached the Consumer Forum on 2-11-2009 against the delay and seeking compensation. Shri George Samuel, Secretary of Udupi District P&T Pensioners' Association is the first complainant in both the cases. When the authorities came to know about the cases they woke up and merged the DA in pay of the complainants and revised their pension accordingly. But the case continued.

The Consumers' Disputes Redressal Forum considered the following aspects:

1. Whether the pensioners are consumers? **The Forum decided Yes.**
2. Whether the delay in merging DA in the cases amounts to deficiency in service? **Forum declared Yes. The delay can not be condoned.**
3. Whether the complainants are entitled to reliefs? **Forum said Yes.**

After hearing the arguments of complainants and the Opposite Parties (CGMT Karnataka, CCA Karnataka Circle, PGMT Mangalore and Area Manager at Udupi) the Forum passed the following order:

"The complaints are allowed. The Opposite Parties are directed to pay to the Complainants in both complaints, interest @ 9% since and after 1-7-2008 till date of payment of the claim amounts (since paid) alongwith Rs 2000/- each Complainant in both the cases as compensation (except the complainant No. 1 in both cases) for mental agony and a consolidated amount of Rs 10000 each towards cost of proceedings in each complaint. The Opposite Parties shall pay the above amounts within a month from the date of this order. The OPs shall pay

the above amounts to the Complainants and may recover the same from the employees who are responsible for delay in releasing the revised Pensionary benefits...”