

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

NEW DELHI

REVISION PETITION NO. NC/RP/1687/2024

(Against the Order dated 14th February 2024 in Appeal A/191/2021 of the State Consumer Disputes Redressal Commission Rajasthan)

WITH

NC/IA/9281/2024 (STAY)

NC/IA/9282/2024 (EXEMPTION FROM DIM DOCUMENTS)

STATE BANK OF INDIA

PRESENT ADDRESS - THROUGH SPECIAL BRANCH, OLD HIGH COURT COMPUND,
JODHPUR, RAJASTHAN , JODHPUR , RAJASTHAN , JODHPUR,RAJASTHAN.

.....Petitioner(s)

Versus

INDU BALA

PRESENT ADDRESS - GURU RAJA RAM NAGAR-I, PLOT NO 56, PARIHAR NAGAR,
BHADWASIYA, JODHPUR , JODHPUR , RAJASTHAN , JODHPUR,RAJASTHAN.

.....Respondent(s)

BEFORE:

HON'BLE MR. JUSTICE A. P. SAHI , PRESIDENT

HON'BLE MR. BHARATKUMAR PANDYA , MEMBER

FOR THE PETITIONER:

MR RAJEEV SAGAR, ADV

FOR THE RESPONDENT:

NONE

DATED: 06/10/2025

ORDER

1. The respondent – complainant is a widow who had filed a complaint against the Bank for non-payment of the gratuity payment on the death of her husband who was an employee in the Military Engineering Services. There is no dispute that a pension payment order was issued on 10th December, 2010. The pension payment order authorises the payment of pension and in the calculation the complainant was granted awards which include the death gratuity amount, the net amount payable whereof was Rs.6,51,510/-.

2. The Bank did not make the said payment on the presumption that the name of the

nominee was not available in the records. Accordingly the Bank did not either seek any correction in the records nor did it make the payment.

3. The Garrison Engineering Department, vide its letter dated 09.12.2015 clarified and intimated the Bank that the name of the payee is clearly mentioned as Indu Bala in the said pension payment order and it was also observed that the office would not be responsible for any delay in payment of gratuity amount because all documents had already been forwarded way back on 03.01.2011 to the Bank. The said letter is also on record.

4. After considering all these documents the District Commission arrived at the conclusion that it was the negligence of the Bank, its officers and employees who did not follow the instructions contained in the pension payment order and accordingly allowed the complaint for the amount referred to therein together with Rs.3,00,000/- as compensation and Rs.5,000/- as litigation cost.

5. The Bank preferred an appeal and the State Commission, Rajasthan also came to the same conclusion recording that the name of the respondent – complainant was categorically mentioned in the pension payment order as the payee and on that very basis the family pension had been paid to her. In such circumstances there was no doubt about the nominee of the beneficiary under the said order and it was held that the Bank was negligent in not releasing the gratuity amount. However, while considering the amount of compensation the State Commission reduced it to Rs.1,00,000/- and the award of interest was also clarified.

6. The Bank has come up in this Revision petition contending that there was no deficiency or default on the part of the Bank as there was no clarity with regard to the name of the nominee and the nomination certificate had also not been tendered.

7. It was also urged that the complainant also kept quiet for almost 5 years and therefore the Bank was not responsible. The Bank had sought instructions from the MES department which was given in 2015 and consequently the Bank was not at fault.

8. We have considered the submissions and we find that the pension payment order is explicitly clear and there was no confusion about the name of the nominee. The complainant's name has been categorically described as the payee. The Bank ought not to have therefore delayed the payment in any manner whatsoever. The family pension had been released to the same person by the Bank itself.

9. We find that the State Commission has also modified the award of interest from January 2011 to December, 2015 on the unpaid amount and has also reduced the compensation from Rs.3,00,000/- to Rs.1,00,000/-. We do not find any infirmity in the impugned orders so as to warrant interference in the exercise of revisional jurisdiction. On the facts of the present case keeping in view the limited powers possessed by this Commission as held by the Apex Court in the case of **Rubi (Chandra) Dutta vs. United India Insurance Company, (2011) 11 SCC 269** which is followed in the recent decisions of the Supreme Court in the case of **Sunil Kumar Maity vs. SBI, 2022 OnLine SC 77** and **Rajiv Shukla vs. Gold Rush Sales and Services Ltd. & Ors. (2022) 9 SCC 31**, the revision petition does not raise any issue of irregularity or illegality any is accordingly rejected.

.....J
A. P. SAHI
PRESIDENT

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BHARATKUMAR PANDYA
MEMBER