

Dr. K.E. Moses Vs. Chief Post Master

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Court : Delhi State Consumer Disputes Redressal Commission SCDRC New Delhi

Decided On : Aug-05-1998

Judge : A.P. Chowdhri, President & Desh Bandhu, Member

Appeal No. : Case No. A-645 of 1997

Appellant : Dr. K.E. Moses

Respondent : Chief Post Master

Advocate for Def. : Mr. R.M. Tatia

Judgement :

A.P. Chowdhri, President:

1. Brief facts of the case are that Dr. K.E. Moses, complainant, opened an NSS Account in Gol Dak Khana Post Office on 28.2.1990. The credit Balance became due for payment on 2.4.1993. The complainant needed the money badly and he waited in the queue of people waiting to receive the money in their accounts. On 3.4.1993 the complainant applied to Shri Ram Tirath Nagar Post Office for transfer of the account from Gol Dak Khana to the said Post Office. He also deposited his Pass Book alongwith application for transfer. He made enquiries every day from the SRT Nagar Post Office only to be told that the account had not been transferred to that Post Office. On 19.4.1993, on advice from the Post Master, SRT Post Office, he made an application which, together with necessary

endorsement, was personally carried by the complainant to Gol Dak Khana (GDK) where the complainant met the Chief Post Master. The complainant was asked to fill-in form 16A and get the same counter-signed from SRT Post Office which the complainant did. The complainant wanted to return a loan which he had taken from his brother-in-law who was critically ill and who badly needed money. That brother-in-law ultimately died. The complainant received payment from SRT Nagar Post Office on 22.4.1993. The complainant approached District Forum alleging deficiency in service on the part of the Post Office and claimed Rs. 5,000/- as compensation for the harassment, mental agony and wastage of time caused to him.

2. The plea of the opposite party (OP) before the District Forum was that the complainant's Pass Book was forwarded by SRT Nagar Post Office on 3.4.1993 but the transfer case could not be processed immediately on account of heavy rush of work in the month of April, 1993 as payment in various NSS accounts became due on 1.4.1993. Reference was also made to instructions issued by DG (Pand) in its letter dated 1.12.1994. According to the said instructions, the transfer of account could take upto 30 days. The District Forum relying on the said guidelines held that there was no unnecessary delay and the complaint was accordingly dismissed.

Aggrieved by the order, the complainant has preferred this appeal.

3. We have heard the appellant who is an Advocate by profession and Mr. R.M. Tatia, Counsel for the respondent and have carefully perused the records.

4. The contention of the appellant is that it was to avoid delay that he applied for transfer of the account to SRT Nagar Post Office but owing to the indifference of the staff, not only the account was not transferred, the complainant was not paid the amount which had become due w.e.f. 1.4.1993 until 22.4.1993. According to the appellant, this constitutes deficiency in service and in view of the peculiar facts of the case, the complainant suffered great mental tension and agony and had to run around in order to get the payment.

5. On behalf of the respondent, reliance has been placed on the instructions issued by the Department where the normal time taken for transferring the account from one Post Office to another is laid-down to be 30 days. In the instant case, the time taken was about 20 days, thus there was no deficiency in service.

6. The appellant has not assailed the aforesaid Departmental instructions nor has he brought on record any later instructions laying down a shorter period for dealing with transfer of account cases. We do not, therefore, find any infirmity in the order of the District Forum.

7. While dismissing the appeal we cannot help observing that the rush of work from the beginning of April was anticipated as accounts opened in 1990 under the scheme, matured and it was only to be expected that the account holders would turn-up to receive the amount. It was clearly the duty of the Post Office to open extra counter to cope with the work. In principle the plea put-forward by the opp. party could not be accepted, specially in these days when various Government Departments are coming forward with citizens charter where the Department binds itself to render particular types of service within a time bound frame. We hope necessary action would be taken by the authorities to prevent difficulty to others in receiving payment on the maturity of the amount. A copy of the order be conveyed to the parties as well as to District Forum-II.

Appeal dismissed.

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