
(1991) 01 NCDRC CK 0009

In the National Consumer Disputes Redressal Commission

AJIT KR.MOHANTY

APPELLANT

Vs

DISTRICT TRANSPORT MANAGER

RESPONDENT

Date of Decision : 24-01-1991

Acts Referred:

Citation : 1992 3 CPJ 98

Hon'ble Judges : S.C.Mohapatra , R.N.Panigrahi , J.Patnaik J.

Final Decision : Complaint allowed

Judgement

1. THIS is a complaint making a grievance in respect of deficiency of transport service by the Orissa State Transport Corporation and its employees.

2. COMPLAINANT is a Professor in Psychology of Utkal University. His grievance is that he booked an advanced ticket at Rourkela to travel to Bhubaneswar by Rourkela-Bhubaneswar Nonstop bus on 4.1.1990. At the time of booking, he enquired whether the bus would stop at Kansbahal to pick up passenger and he was intimated that although Kansbahal is not a stoppage for the Nonstop bus, in case he books the ticket from Rourkela to Bhubaneswar with intimation to Board, at Kansbahal he would be picked up from that place. On such information, he paid the fare of Rs. 75/- and purchased a ticket where it was mentioned that the bus OSE 3647 would be the Nonstop bus on 4.1.1990 and in the ticket, it was mentioned that he would be picked up from Kansbahal. The bus was to reach Kansbahal around 9 p.m. However, complainant waited at the usual place for bus stop from 8.30 p.m. But passed by that way at 9.20 p.m. but did not stop to pick him up. He had urgent work at VaniVihar next day in connection with examination of a candidate who submitted a Ph.D. thesis under his guidance and supervision, and his grand-mother was also ailing at Puri. As the bus did not stop, he had to make other arrangement to move to Bhubaneswar where he reached late. The viva voce examination had to be rescheduled and he could reach Puri on 6.1.1990 on which day his grandmother expired. He stated that he ascertained at Bhubaneswar from the driver and cleaner that they had seen him and the driver slowed down intending to stop the bus to lift me but the conductor

instructed the driver to move on. When the conductor was asked about it, he did not behave well. The District Transport Manager of Bhubaneswar was also not prepared to listen to the grievance of the complainant. As advised by the District Transport Manager, a complaint was lodged before his counterpart at Rourkela seeking refund of the fare which was received at Rourkela on 4.1.1990. He proceeded to Rourkela on 21.1.1990 but could not meet the District Transport Manager and the employees were of no assistance to him. On 15.3.1990, he wrote another letter to the District Transport Manager of O.S.R.T.C. at Rourkela and on 1.5.1990, he got a reply that the Non-stop Deluxe bus detained at Kansbahal due to blockade for a considerable time but no intending passenger did turn up to board the bus there. Accordingly, complainant has made a claim of Rs. 1,00,000/- as compensation for deficiency of service. District Transport Manager, Rourkela has stated that there is no bus stop for the Non-stop bus at Kansbahal and no employees competent to stop the bus at that place. The Conductor although made a party has not stated his case.

Complainant has produced the original ticket copies of the letter and an affidavit of Bikas Ranjan Patnaik who was present with the complainant at Kansbahal on 4.1.1990 in the bus stop. Although the matter was heard on 27.12.1990 at Bhubaneswar and order was reserved. On 22.1.1991 the Conductor appeared and produced the duplicate ticket book No. 12267 from out of which the ticket was issued. He stated in his application that from Rourkela office he brought the book for showing before the Commission. He pointed out from the ticket book that although the original ticket indicates KBL (short form of Kansbahal) and in the carbon copy, the same is not found and is a subsequent interpolation.

3. IT is not disputed that a ticket was issued. IT is equally not disputed that complainant was not picked up from Kansbahal. The disputed facts are as follows. While complainant states that the bus did not stop at Kansbahal in spite of sign given to it, although it was slowed down, opposite party No. 1, the District Transport Manager claims that the bus was stopped due to blockage on the road. Although complainant states that he was assured at the time of purchasing the advanced ticket that he would be picked up from Kansbahal, opposite party No. 1 stated that no one is competent to stop the Non-stop bus. As regards the grievance made subsequently by the complainant to the driver, cleaner, conductor, the District Transport Manager, Bhubaneswar and later to the District Transport Manager, Rourkela, no clear assertion has been made. Complainant is a Professor. When he appeared personally to make submission of his case we were impressed that he was a truthful person. In support of his case, he produced the original ticket, apart from producing along with the complaint a xerox copy of the ticket, copy of the letter to the District Transport Manager, Rourkela, a reminder dated 14.3.1990 and the reply given by the District Transport Manager, Rourkela on 1.5.1990. Added to it, he has filed affidavit of one person in support of his assertion that the bus did not stop and complainant moved to Bhubaneswar by Chokadola bus. The original ticket which has produced before us clearly indicates that the same person who issued the ticket had

written KBL. Thus, added to the assertion, the ticket indicates that the complainant was assured that he would be picked up from KBL. When the District Transport Manager, received a complaint which indicated that the bus slowed down but did not stop, he should have been made an enquiry from the driver and the cleaner since in the complaint itself it was clearly asserted that the driver and the cleaner stated to the complainant immediately on the next day that they wanted to stop the bus, but on instruction of the conductor, the driver had to driver it away without stopping the bus. There is no denial of the fact that passengers are at times picked up at KBL if earlier information is given. Although it is a Non-stop bus. They only say that no official order can be passed to that extent. In paragraph-4 of the reply, it is stated "if at all the petitioner had enquired about the stoppage of bus at Kansbahal, the opposite party believes that the person concerned must have told the petitioner to contact with the concerned driver and conductor of that bus so as to pick him up from Kansbahal". This itself indicates that by arrangement passengers are picked up from Kansbahal, although it is not a place where the Non-stop bus would stop officially. If a statement would have been taken by the District Transport Manager from the person who issued the ticket, he could have known the correct position. We are satisfied that the District Transport Manager on receipt of the grievance has not made enquiry as it deserves to know the correct position. If an enquiry would have been made, he would have produced all records in that respect.

4. IT is stated that the bus was stopped at Kansbahal due to road blockage. Excepting the statement in reply, no other material has been produced before us in support of road blockage. Whether the blockage was seen the bus stop where other buses of the O.S.R.T.C. stops is not clearly indicated. IT is unthinkable that when a bus stops, an anxious traveler who has purchased a ticket would not avail all the opportunity. ITs assertion is a subsequent statement for the purpose of justifying the deficiency in service. The very fact that the ticket which had been submitted in the office is handed over to the conductor whose negligence is subject-matter of consideration itself indicates that the Rourkela Office of the Corporation is not functioning properly. The District Transport Manager would do well after receipt of this order to bring the office to order so that custodian of the documents would never play with such documents. Specially to persons against whom allegations are made. The District Transport Manager could have produced it himself. A copy of this order be sent to Secretary Transport Department for onward transmission to the higher authorities of District Transport Manager for delving into the matter as to how the exhausted ticket book which had been in custody of the office was handed over to the conductor. When affidavit was filed on 27.12.1990 and the District Transport Manager who knew that the order has been reserved could have been filed affidavits of the driver, cleaner, the person who booked the ticket in support of the assertion that the bus stopped on account of blockage of road at Kansbahal on 4.1.1990 and driver and cleaner did not want to stop the bus to pick up-the complainant. They could have also filed affidavit that the term "KBU on the original ticket was not written by the person.

On the material available, after hearing the complainant in person, learned Counsel for opposite party No. 11 and on perusal of the documents produced before us, we are satisfied that: (i) complainant purchased a ticket to move in the Non-stop bus and he was assured by the person who issued the ticket that the bus would stop at KBL (Kansbahal) to pick him up; (ii) complainant indicated the bus to stop at Kansbahal for which the driver slowed down the speed but on account of instruction of the conductor, he could not stop it and moved the bus. There was no blockage for which bus stopped at Kansbahal; (iii) complainant moved as a standing passenger in another bus to reach late Bhubaneswar for which the examination of a candidate was rescheduled; (iv) driver and cleaner of the bus told the complainant on 5.1.1990 that they intended to stop the bus; (v) the cleaner misbehaved with him; (vi) the District Transport Manager did not give due weight to the complaint lodged before him; and (vii) delay on account of negligence for about four months to give a reply without justification.

5. ALL these facts make it clear that there was deficiency in service rendered to the complainant who paid for the service to be rendered.

6. EFFECT of the deficiency of service is that a man of the status of Professor on account of whose absence the examination of the University was rescheduled, was ill reputed. Apart from the harassment faced by him in traveling as a standing passenger in another bus, he could not avail of the service assured to him and is entitled refund of the amount of Rs. 75/- paid for the ticket. Added to it, he is to be compensated for the harassment he faced on account of deficiency in service and for his reputation as a Professor and examiner being affected. We are inclined to hold that he is entitled to a consolidated amount of Rs. 1,000/- (Rupees one thousand only) towards all the aforesaid result. The District Transport Manager is to pay the amount within one month on receipt of this order which he is at liberty to recover from the conductor who is cause for not stopping the bus at Kansbahal. In the result, we direct opposite party No. 1 the District Transport Manager, Rourkela to pay a compensation of Rs. 1,000/- (Rupees, one thousand only) to the complainant within one month from the date of receipt of this order. There shall be no order as to costs. Complaint allowed.