

(2006) 07 NCDRC CK 0044

In the National Consumer Disputes Redressal Commission

BHARATH SANCHAR NIGAM LIMITED COIMBATORE TELECOM	APPELLANT
Vs	
K. GAYATHRI	RESPONDENT

Date of Decision : 18-07-2006

Acts Referred:

Citation : 2007 4 CPJ 255

Hon'ble Judges : K.Sampath , PonGunasekaran J.

Final Decision : Appeal dismissed

Judgement

1. THE opposite party Nos. 1 and 2 in COP No. 204/2001 on the file of the District Consumer Disputes Redressal Forum, Coimbatore are the appellants herein. THE facts leading to the appeal are as under : THE complainant, an unemployed graduate, had an STD/ISD booth. She paid the telephone bill on 1.3.2001 the due date to the 3rd opposite party. But on 8.3.2001 the telephone was disconnected and it was restored on 14.3.2001. THE 3rd opposite party would state that he had given the payment particulars to the 1st and the 2nd opposite parties on 2.3.2001 itself. In spite of that, the telephone was disconnected. Alleging deficiency in service, the present complaint came to be filed for compensation in a sum of Rs. 20,000 together with Rs. 5,000 as costs.

2. THE defence set up by the opposite party Nos. 1 and 2 was that all STD/ISD booth franchisees had been instructed to produce the payment bill either at the Customer Service Centre or at the Principal General Manager's Office, Coimbatore to take down the payment particulars and to avoid any wrong disconnection of the telephone. Wide publicity had also been given. THE message was also exhibited in the notice board available at the Cash Counter at the office of the Principal General Manager, Telecom Office, Mettupalayam Road, Coimbatore -43. THE complainant having failed to take notice of these instructions and not having produced the receipt, there was justification on the part of opposite party Nos. 1 and 2 to have effected the disconnection. THERE was no deficiency in service and after the disconnection the phone was reconnected on 14.3.2001. THE complainant was also not a consumer. THE 3rd

opposite party, as already noted, received the payment on 1.3.2001 and reported the matter on 2.3.2001 to the Manager of Bharat Sanchar Nigam Limited authorities. The District Forum found that the opposite party Nos. 1 and 2 had not produced the rule or law or notification which required the subscriber to produce the post office payment particulars to the Telecom authorities; that the disconnection was illegal; that the franchise holder was also a consumer like any other subscriber with regard to the illegal disconnection in that there was payment of commission, etc. between the franchise holder and the Telecom Department. In that view of the matter, by order dated 9.1.2002, the District Forum directed the opposite party Nos. 1 and 2 to pay Rs. 5,000 as compensation and Rs. 1,000 as costs to the complainant within two months from the date of order. It is as against that the present appeal has been filed.

On behalf of the appellants/ opposite party Nos. 1 and 2, it was submitted that the complainant had failed to produce the paid receipt either at the Customer Service Centre or at any of the other places already referred to, to enable the Principal General Manager to take down the payment particulars and to avoid any wrong disconnection; that wide publicity had also been given to STD/PT/LPT franchisees to follow the above practice in case of payment effected at Post Offices/ Banks. If this had not been done by the complainant, she had to suffer the consequences.

3. WE do not agree with contentions raised on behalf of the opposite party Nos. 1 and 2/appellants. No doubt the District Forum has pointed out that the relevant rules or publications had not been produced before it. Not only that, if it were to be followed, it would mean that in respect of payments made in the Post Offices, the person concerned would have to make two trips one to the Post Office and the other to the place mentioned by the opposite party Nos. 1 and 2. This is also pointed out by the District Forum. If a subscriber has to take the payment particulars to the Telecom Office, there is no necessity for him to pay it in the Post Office and he could very well pay it straight to the Telecom Office. So, the contention that the complainant has to show the receipt to the Telecom authorities and that she has failed and hence the telephone was disconnected after 6 clear days of receipt of payment particulars from the 3rd opposite party, as rightly found by the District Forum, was unacceptable and unsustainable. This is nothing short of harassment and would amount to placing a premium on inefficiency. Day in day out we come across cases where employees in public bodies shirk their responsibility do not do their work and indulge in this kind of gimmicks. In the present case it was the duty of the staff of O.Ps. 1 and 2 to have checked up as soon as the information from O.P. 3 regarding payments was got and pulled up only the defaulters. It is also not the case of O.Ps. 1 and 2 that particulars of payments were not furnished by O.P. 3. There are absolutely no merits in the appeal. In the result, the appeal fails and the same is dismissed. Appeal dismissed.