

(2002) 07 NCDRC CK 0072

In the National Consumer Disputes Redressal Commission

Branch Manager, State Bank of India

APPELLANT

Vs

RAM AOUTAR KATHERIYA

RESPONDENT

Date of Decision : 05-07-2002

Acts Referred:

Citation : 2003 2 CPJ 272

Hon'ble Judges : K.C.Bhargava , D.D.Bahuguna , Rachna J.

Final Decision : Appeal dismissed

Judgement

1. THIS is an appeal against the orders dated 7.8.1992 and 11.11.1992 passed by District Consumer Forum, Shahjahanpur in Complaint Case No. 360/1992.

2. THE facts of the case stated in brief are that the complainant filed a complaint praying that the opposite party, State Bank of India be directed to issue a fresh pass book and for recovery of Rs. 1,000/- as damages. According to the complainant, the complainant had a Savings Bank Account in the State Bank of India, appellant. The entire amount of the wages of employees of Sardar Patel Hindu Inter College is transferred to the Savings Bank Account by the College. As the complainant is an employee in the Inter College, his amount is also transferred to the Bank. The complainant holds a Saving Bank Account No. 19359 and the entries are made in the pass book regularly. In the month of June, the complainant gave his pass book to the Clerk, Sri Akhilesh Jha for completing the same by entering all the transactions. The Clerk concerned told the complainant to come after two days but when the complainant again visited the Clerk said that the pass book could not be traced. After several attempts the Clerk concerned told the complainant that the pass book has been lost and a report should be lodged with the Police Station and thereafter a new pass book shall be issued. According to the complainant, he lodged an F.I.R. on 18.6.1992 and when he contacted the Clerk concerned with a report and prayed for issuance of fresh pass book, he refused to do so and told the complainant to open another Bank account. According to the complainant a sum of Rs. 700/- is lying in credit balance in that account and his son is not feeling well. He requires

money for his treatment. He sent a registered notice to the State Bank of India on 19.6.1992. This letter was refused by the State Bank of India. According to the complainant, there is a deficiency in service on behalf of the Bank in not issuing a fresh pass book on account of which the complainant could not withdraw the amount.

Before the District Forum, the appellant, State Bank of India did not appear, hence the case was decreed ex parte directing the State Bank of India to issue a fresh pass book within a period of 15 days and to pay a sum of Rs. 100/- as compensation within 15 days.

3. WHEN the case had been decided an application was also moved before the District Forum to recall the order but the learned District Forum refused to recall the order as there was no sufficient cause. Aggrieved against this order the appellant has come in appeal and has challenged the correctness of the order passed by the learned District Forum.

4. NONE was present when the case was called inspite of the fact that the parties were informed of the date fixed. We have perused the file. A perusal of the file will go to show that the complainant's allegations have not been denied by the appellant in the memo of appeal. It has merely been mentioned that the appellant is being denied opportunity of hearing. It has not been mentioned in the grounds of appeal as to why the appellant did not appear before the District Forum when the notices were issued. We find from the perusal of the order that the learned District Forum has merely directed the State Bank of India to issue a fresh pass book in lieu of a lost pass book and to pay a sum of Rs. 100/- as damages. We do not find any flaw in the order of the learned District Forum. When the pass book has been lost by the Clerk concerned, it is the duty of the State Bank of India to have issued duplicate pass book. The complainant, on the request of the Clerk concerned, lodged a report to this effect with the police station and submitted a copy of it to the Clerk but inspite of this he refused to re-issue a fresh pass book and asked the complainant to open a new account. Thus, this goes to show that the deficiency in service on behalf of the State Bank of India. As regards the compensation, only a sum of Rs. 100/- has been granted which in our opinion is not at all on the higher side. The appeal is liable to be dismissed. ORDER The appeal is dismissed. The judgment and order of the learned District Forum are confirmed. Let compliance of this order be made within a period of two months from the date of this order. Let copy of this order be made available to the parties as per rules. Appeal dismissed.