

(1994) 07 NCDRC CK 0033

In the National Consumer Disputes Redressal Commission

BRIJ MOHAN SHARMA, ASST. D.M., RAJASTHAN STATE ROAD
TRANSPORT COMPANY

APPELLANT

Vs

JAG MOHAN SHARMA

RESPONDENT

Date of Decision : 06-07-1994

Acts Referred:

Citation : 1995 1 CPJ 5

Hon'ble Judges : N.C.Sharma , J.P.Mathur , Firoza Bano J.

Final Decision : Appeal dismissed

Judgement

1. THE appellant has challenged the judgment of District Forum, Tonk by which they were ordered to pay Rs. 15/- to the respondent as compensation. An application for condonation of delay has also been filed.

2. THE facts of the case in brief are that the respondent purchased a ticket and boarded the deluxe bus of the appellant at Kota for coming to Tonk. THE bus stopped on the main Kota Jaipur Road in front of Chandra Lok Hotel for half an hour where the passengers and the staff of the bus had taken eatables. THEREafter the bus left that place but it did not go to the bus stand and took a turn towards Jaipur from Bada Kuwa. THE respondent asked the conductor of the bus to take the bus to the bus stand but he refused to do so and the respondent has to get down from the bus on Chawani Chouraha. As it was raining, he has to hire a rikshaw for going to his residence and paid Rs. 15/- to him. THE respondent was effected by cold and was treated. He claimed Rs. 2,000/- as damages and further requested that the buses should stop at the bus stand and take passengers from here and leave them there. THE appellants in their reply submitted that the deluxe buses stopped on the main road because of convenience of the passengers as half an hour wasted if the bus is taken to the bus stand in the city. After hearing the District Forum awarded Rs. 15/- to the respondent and further ordered that the buses should be taken to the Bus Stand for boarding and unboarding of the passengers. We have heard the arguments of the learned Counsels for the parties at length and gone through the record.

Looking to the facts the delay in filing the appeal is condoned. In view of the provisions of the Motor Vehicles Act, the order of the Executive Director (Traffic) is without jurisdiction and it cannot be said that the place on the main road is a declared bus stand. Moreover admittedly public facilities including toilets, waiting sheds etc. have not been provided at that place. Thus the respondent who was having a ticket for Tonk was dropped at the Tonk bus stand by the bus. It is nothing but deficiency in service and the District Forum has rightly awarded the compensation, and there are no grounds to interfere.

Before parting with this judgment, it is proper to observe that a general tendency has been found in the drivers/conductors of RSRTC buses to stop them at any place of their choice without the place having been declared as a bus stand and thus waste the valuable time of the passengers. The practice needs to be stopped. But the R.S.R.T.C. has instead of convincing the said practice decided to file this appeal for a petty sum of Rs. 15/- and has wasted public money in filing this appeal.

3. WE accordingly find the appeal without any merits and dismiss the same. If the compensation has not paid within a period of one month from today, the appellant shall pay interest on the same at the rate of Rs. 12% as per annum. Appeal dismissed.