
(1991) 10 NCDRC CK 0032

In the National Consumer Disputes Redressal Commission

DISTRICT MANAGER, TELEPHONES PATNA

APPELLANT

Vs

LALIT KUMAR BAJILA, PATNA

RESPONDENT

Date of Decision : 10-10-1991

Acts Referred:

Citation : 1991 0 CPC 531 : 1991 1 CPR 45 : 1992 1 CPJ 189 : 1995 2 CLT 699

Hon'ble Judges : V.Balakrishna Eradi , A.S.Vijayakar , B.S.Yadav J.

Final Decision : Appeal dismissed

Judgement

1. - THE District Manager Telephones, Patna has come up before us with this appeal challenging the legality and correctness of the order dated June 27, 1990 passed by the State Commission, Patna whereunder the appellant herein has been directed to pay a sum of Rs. 200/- as compensation to the complainant for the alleged suffering and harassment caused to him by reason of his telephone having been in non-functional condition for a considerable period of time. THE respondent was not represented before us.

2. COUNSEL for the appellant contended before us that in the absence of any affidavit having been filed by the complainant in proof of the allegations made in the complaint petition and when no oral evidence had also been adduced by him, the State Commission was not justified in holding that rather than relying in the "fault card" relating to the telephone in question which had been produced in evidence by the Telephones Department, it would prefer to go by the statement of the appellant contained in the complaint petition. It is true that the complainant in the case is an Advocate but the mere allegations in the complaint petition without any supporting evidence in the shape of sworn affidavit or testimony given on oath could not override the entries contained in an official document maintained under the relevant rules especially when there was absolutely no material to suspect that it was either fabricated document or had been tampered with. We are therefore unable to uphold the reasoning given by the State Commission in support of its conclusion. However, going by the evidence furnished by the very same fault card, we find that between 6.4.88 to

15.8.88 there had been several complaints from the subscriber with respect to the functioning of the telephone and a fault that was reported on 20.8.1988 at 12 hours was set right only at 15.30 hours on 28.8.1988. It is thus seen that for a continuous period of more than seven days the telephone of the complainant had been non-functional even if we ignore the rest of entries in the fault card relating to repeated complaints made by the subscriber and the action taken in respect thereof.

A telephone subscriber is entitled to expect that he will be provided uninterrupted service as long as he meets his obligations as regards the prompt payment of bills relating to the rental, call charges etc. True it is that any instrument or item of equipment is likely to develop faults but it is the bounden duty of the Telecom department to take immediate action to set right the fault and restore to a subscriber the use of his telephone without avoidable delay. For an Advocate to be without a use of his telephone for a period of more than 7 days would necessarily entail a great deal of inconvenience in relation to the practice of his profession. From the materials on record there is nothing to indicate that the fault that had developed in the telephone line of the complainant resulting in his being deprived of the use of the telephone during the period from 20.8.1988 to 28.8.1988 was such as could not have been promptly rectified despite exercise of reasonable diligence. The complainant is therefore entitled to be compensated for the inconvenience and hardship caused to him as above.

3. THE State Commission by its order has awarded to the complainant a compensation of Rs. 200/-. We consider that the said award has to be upheld though for reasons which are different from those set out in the impugned order. THE appeal is accordingly dismissed. Appeal dismissed.