
(2004) 04 NCDRC CK 0081

In the National Consumer Disputes Redressal Commission

GENERAL MANAGER, TAMIL NADU STATE TRANSPORT
CORPORATION

APPELLANT

Vs

R. APPAJI

RESPONDENT

Date of Decision : 05-04-2004

Acts Referred:

Citation : 2004 2 CPC 629 : 2004 3 CLT 578 : 2004 3 CPR 630 : 2004 4 CPJ 258

Hon'ble Judges : A.Raman , R.Vanaroja J.

Final Decision : Appeal dismissed

Judgement

1. THE opposite party is the appellant. THE complainant's case is that he travelled in a bus belonging to and run by the opposite party from Chidambaram and gave a currency Note of Rs. 10/- for purchase of ticket. THE conductor of the bus stated that he has no change and asked him to get down. THE complainant refused to get down and demanded the conductor to issue a ticket to him noting that a sum of Rs. 8.80 np. being the balance is payable to him after receiving a sum of Rs. 10/- but still the conductor refused. He became abusive. THEREfore, there is deficiency in service. THE act of the opposite party has caused mental agony to the complainant. THE complainant has also sent a police complaint in that regard. THE opposite party is, therefore, guilty of deficiency in service for which the complainant prays a sum of Rs. 1,000/- as compensation.

2. THE opposite party contended that the allegations made in the complaint are not true and the complaint is bad for non-rejoinder of the conductor. THE opposite party made inquiry and the conductor informed that no such occurrence had taken place. THERE is no basis for the complainant to initiate any complaint before this Forum. THERE was no police complaint. THE opposite party, therefore, prays that the complaint may be dismissed with costs. The lower Forum directed the opposite party to refund the sum of Rs. 8.80 np. and pay a sum of Rs. 500/- towards deficiency in service and Rs. 200/- towards costs. Hence, the present appeal.

It is not disputed that the complainant was a passenger in the bus belonging to

the opposite party bearing No. T.N. N32-0157. The ticket is also enclosed along with the complaint. According to the complainant, the conductor of the opposite party refused to return the balance of Rs. 8.80 np. after issuing a ticket for Rs. 1.20 np. The opposite party would say that they conducted a domestic inquiry and on inquiry, they came to know that no such incident had taken place. Though it is stated that the conductor was examined in the inquiry by the opposite party, the opposite party has not chosen to issue any notice to the complainant asking him to present and make inquiry of him either in the presence of the conductor or otherwise. Therefore, whatever inquiry that has been conducted by the opposite party was behind the back of the complainant and hence, it cannot be of any value, much less to convince that the opposite party has acted fairly. Though the opposite party would take a stand that failure to implead the conductor is fatal to the complaint, it is not explained as to under whose control the said conductor is working and why he has not been examined. Nor any proof affidavit has been produced by him disputing the allegations made in the complaint. Therefore, in such circumstances, the lower Forum was justified in coming to a conclusion that there has been deficiency in service. One cannot find fault with the conclusion of the lower Forum when it stated that the complainant's case is acceptable and has to be preferred.

3. THE lower Forum has granted only a sum of Rs. 500/- for deficiency in service along with a cost of Rs. 200/-. THEREfore, in such circumstances, we do not find any valid reason much less of such efficacy to hold that there are grounds to interfere with the order of the lower Forum. Consequently, this appeal is dismissed with cost of Rs. 250/- confirming the order of the lower Forum. Time for compliance : Two months. Appeal dismissed.