

(2003) 12 NCDRC CK 0111

In the National Consumer Disputes Redressal Commission

GURDIP SINGH

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 08-12-2003

Acts Referred:

Citation : 2004 1 CPJ 550

Hon'ble Judges : K.K.Srivastava , Devinderjit Dhatt , MajGenS.P.Kapoor J.

Final Decision : Appeal dismissed

Judgement

1. THIS is an appeal filed against order dated 29.5.2002 passed by District Consumer Disputes Redressal Forum-II (for short hereinafter referred to as the District Forum) in Complaint Case No. 1330 of 1998 vide which the complaint of the appellant was dismissed as being barred by the provisions contained in Section 14 of the Savings Bank Act as also on merit.

2. THE learned Counsel for the appellant mainly confined the appeal for non-grant of interest for the month of July, 1998 and contended that the application had in fact been moved on 2.7.1998 but the same was not promptly taken up by the respondents. THE District Forum has already recorded a finding to the effect that there was no unreasonable delay in dealing with the matter regarding the payment of the amount of NSS Account No. 20675 dealt with by the respondent No. 4 - Sub Post Master, Post Office, Sector 14, Punjab University, Chandigarh. It has been held by the District Forum that under Rule 6(8) of the Savings Account Rules, 1981, if the account is closed in the course of a year, interest shall be allowed upto the end of the month preceding the month in which the account is closed. In the instant case, it was held that the account had been closed in the month of July, 1998 and as such interest had correctly been paid upto 30.6.1998. Dealing with the matter of alleged delay, the District Forum noted that 5th of July was Sunday while 19th of July, 1998 was also Sunday. After excluding these two Sundays and one closed holiday, 22 days remained for dealing with the matter and out of 22 days, for 9 days the work was badly effected by strike called by the employees of the Postal Department. THERE were

thus 10 working days left for dealing with the matter and during which period, the backlog of 9 days of strike was also to be handled. Regarding the loss of 9 days due to illegal strike by the employees the District Forum relied on the case of Consumer Unity and Trust, Jaipur v. The Chairman and Managing Director, Bank of Baroda, Calcutta and Another., I (1995) CPJ 1 (SC), wherein it was held that the Bank is not to compensate its customers for loss of service due to illegal strike by its employees. Apart from it, the account could not be closed without prior sanction from the Head Post Office as required by Rule 11 of the Savings Bank General Rules, 1981 read with Para 1881(e) of the Small Savings Scheme Part-II. The matter was complete for payment of the amount of the NSS which had been closed on 22.7.1998 but the complainant was not agreeable for the cash payment and he wanted the payment to be made by means of a cheque and for which the matter was again referred to the Head Office. The Head Post Office issued the cheque on 24.7.1998 and it was received by the respondent No. 4 who delivered the same to the complainant on that very day. These findings, in our considered opinion, are based on proper appraisal of the relevant rules and the material evidence placed on record. Moreover, Section 14 of the Savings Bank Act lays down as under : "No suit or other legal proceedings shall lie against the Secretary or any other officer of the Government of India in respect of any thing which is in good faith done or intended to be done under this Act."

The District Forum was of the considered opinion that the O.Ps. were not acting in good faith. The learned Counsel for the appellant also could not refer to any averment made in the complaint to the effect that the O.Ps. were not acting in good faith under the provisions of the Savings Bank Act. Be that as it may, the impugned order does not call for any interference. Resultantly, the appeal lacks merit and is dismissed in limine. Copies of this order be sent to the parties free of charge. Appeal dismissed.