

(2002) 11 NCDRC CK 0057

In the National Consumer Disputes Redressal Commission

HAJARIMAL MOONAT

APPELLANT

Vs

SUPDT. POST OFFICES SERVICE DEPARTMENT

RESPONDENT

Date of Decision : 27-11-2002

Acts Referred:

Citation : 2003 1 CPJ 177

Hon'ble Judges : D.P.Wadhwa , J.K.Mehra , Rajyalakshmi Rao , B.K.Taimni J.

Final Decision : Revision Petitions dismissed

Judgement

1. REVISION Petition No. 410/2000 : Earlier we had dismissed this petition in default as nobody appeared for the petitioner-complainant in spite of service of notice on him by registered post. However, the matter has again been taken up along with REVISION Petition No. 1980 on 26.11.2002 filed by the petitioner. We restore this petition to its original number.

2. COMPLAINT of the petitioner was that he sent certain papers by post to Bombay High Court. These were sent by ordinary post. He said since documents did not reach the High Court it caused him mental distress and on that account he claimed heavy compensation. In view of Section 6 of the Indian Post Office Act, 1898, District Forum dismissed the complaint filed by the complainant alleging deficiency in service. His appeal to the State Commission met the same fate. In view of Section 6 of Indian Post Office Act no liability could be imposed on the respondents in a case like this. This revision petition is, therefore dismissed. R.P. No. 1980/2001 : Mr. Justice D.P. Wadhwa, President-This revision petition pertains to alleged deficiency on the part of the Railways. COMPLAINT of the petitioner was that he booked six railway berths from Ratlam to Raipur when he had to change train at Bhopal. He had reservation throughout. He said that when he boarded train at Bhopal for onward journey to Raipur this was at the instance of the Ticket Collector that particular train was boarded. But he had to pay extra money for that and TTE also misbehaved with him. COMPLAINT was dismissed by the District Forum on the ground that jurisdiction lay with the Railway Claims Tribunal. 2. However, on appeal State Commission held that there

was deficiency in service and that District Forum had jurisdiction in the matter and awarded a sum of Rs. 1,000/- as compensation and Rs. 500/- as cost. But at the same time State Commission also directed refund of 312/- taken as excess fare. Still aggrieved, complainant has come for enhancement. We do not think in a case like this we have any occasion to exercise our jurisdiction under Clause (b) of Section 21 of the Consumer Protection Act. Rather what we find is that the complaint was dismissed in the first instance by the District Forum on 12.9.1994. Complainant filed yet another complaint for the same relief which was rejected by District Forum on 23.8.1995 as second complaint could not be filed. State Commission held that since appeal did not lie against the second order of the District Forum it took suo motu action on the first complaint which was dismissed on 12.9.1994 and it treated that as revision though it was quite barred by limitation. Be that as it may, there is no reason for us to interfere with the order passed by the State Commission. This revision petition is dismissed. Revision Petitions dismissed.