

(2003) 12 NCDRC CK 0082

In the National Consumer Disputes Redressal Commission

MANAGING DIRECTOR, MARUDHU PANDIYAR TRANSPORT
CORPORATION-/

APPELLANT

Vs

C.GOPALAKRISHNAN

RESPONDENT

Date of Decision : 22-12-2003

Acts Referred:

Citation : 2004 1 CPJ 475 : 2004 2 CLT 347

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

Final Decision : Appeal dismissed

Judgement

1. THE complaint was laid by the complainant before the District Consumer Redressal Forum, Pudukottai alleging that the complainant had purchased a ticket for journey from Pudukottai to Keeranur and boarded the bus belonging to the opposite party paying a fare of Rs. 3.60 on 20.9.1995. On 21.9.1995 he again boarded the bus at 10.50 a.m. in the morning at Pudukottai bus stand and conductor collected a fare of Rs. 3.75. When the complainant informed him that he had paid only Rs. 3.60 the previous day and why the conductor is collecting more fare, the conductor mocked at the complainant and abused him and ill-treated him in the presence of other passengers. THE complainant was made to get down at a stop 5 kms. before Keeranur and he was made to walk the distance on account of the conduct of the conductor employed by the opposite party. THE complainant was put to mental hardship, agony and physical inconvenience. Hence, the complainant laid the complaint claiming a sum of Rs. 15,000/- as compensation.

2. THE opposite party did not file any version in spite of several adjournments. THEy only filed certain documents which were marked on their side. THE lower Forum accepted the case of the complainant and granted him a sum of Rs. 500/- as compensation for mental agony and hardship and a sum of Rs. 250/- as costs. Aggrieved by the same, the present appeal has been filed. It is admitted that the conductor who was on duty on 20.9.1995 was a trainee conductor and, therefore, he collected a fare of Rs. 3.60 from Pudukottai to Keeranur

erroneously. But it is stated that the actual fare is only Rs. 3.75. It is not necessary for the purpose of this complaint to find out what exactly is the fare. But the fact remains that the complainant travelled in that bus on 20.9.1995 and 21.9.1995. The appellant has not filed any version disputing the allegations made in the complaint that he was insulted and ill-treated by the conductor on 21.9.1995. The complainant's version that he was made to get down at a stop 5 kms. before his actual stop and had to walk the distance also stands challenged. The conduct and bearing of the conductor especially of those employed in the Transport Corporation is so a notorious fact that can be taken note of judicially. To alight, harass and ill-treat the passengers is their pastime and they never let go any opportunity to have dig at them. Their impertinence and arrogance is a well-known factor. Perhaps being aware of it, the Corporation has not chosen to file any affidavit nor any version denying the allegation made by the complainant. In such circumstances, the lower Forum was justified in accepting the complainant's version as made out. To make the passenger alight from the bus even before the destination is reached would definitely amount to deficiency in service on the part of the operator of the bus. Such deficiency in service has been made out in this case. Therefore, it follows that the finding of the lower Forum that there was deficiency in service and as a result much mental agony and hardship was caused to the passenger cannot be challenged at all. Hence, in such circumstances, we find no merits in this appeal. Consequently, this appeal is dismissed with cost of Rs. 250/-. Appeal dismissed.