

(1996) 10 NCDRC CK 0049

In the National Consumer Disputes Redressal Commission

Punjab National Bank

APPELLANT

Vs

IMPROVEMENT TRUST, KARNAL

RESPONDENT

Date of Decision : 23-10-1996

Acts Referred:

Citation : 1997 3 CPJ 627

Hon'ble Judges : M.R.Agnihotri , S.Kulwant Singh J.

Final Decision : Appeal allowed with costs

Judgement

1. PUNJAB National Bank has come up in appeal against the order dated 3rd August, 1994, passed by District Consumer Forum, Karnal, whereby the complaint of Karnal Improvement Trust, Karnal claiming compensation from the Bank has been allowed and the Bank has been directed to pay Rs. 49,796.94 Ps. on account of loss of interest to the complainants on their FDR"s, which the Bank in compliance with the orders of attachment issued by Senior Sub Judge, Karnal, had withheld.

2. ACCORDING to the complainant-Karnal Improvement Trust, they had certain deposits in the FDR"s and in the Saving Bank Accounts with the PNB (Punjab National Bank). When they approached the Bank for the encashment of the FDR"s, the Bank refused to oblige them, on the ground, that in pursuance of Civil Court"s order, encashment could not be possible. Aggrieved against the same, they approached the District Consumer Forum, alleging the loss of interest on account of deficiency in service, attributed to the Bank.

In their reply, the Bank pleaded that as the learned Civil Court had categorically directed the Bank that FDR"s of the complainants stood attached by order of Senior Sub Judge, the Bank had no power to encash the same.

3. DESPITE all this, the District Consumer Forum, has allowed the complaint by directing the Bank to pay sum of Rs. 49,796.94 Ps. for the loss of interest suffered by the complainant. "In the appeal before us, learned Counsel appearing on behalf of the Bank has vehemently contended that in view of the

mandatory nature of the judicial order issued by the Civil Court, the question of disobeying the same by the Bank and thereby committing the Contempt of Court, could not arise. We find merit in the contention of the learned Counsel. Deficiency in service, arises only where a person refuses to discharge his duties of his own volition and omits to do something by his remissness, negligence or carelessness, but where a higher authority exercising legal control over the functioning of the person, legally prohibits him from doing certain acts and feeling bound in compliance with the same, he restrains himself from doing it, such act on the part of a person cannot be branded as deficiency in service. On the other hand, it would be an act of exercise of sound discretion or wisdom to comply with the order of the Court, which can be complimented as efficiency in service. Consequently, we allow the appeal filed by the Bank and set aside the order of District Consumer Forum, Karnal. Resultantly, the complaint of Improvement Trust, Karnal, stands dismissed with costs, which are quantified as Rs. 500/-. Appeal allowed with costs. _____