

(2008) 07 NCDRC CK 0043

In the National Consumer Disputes Redressal Commission

REGIONAL PASSPORT OFFICER

APPELLANT

Vs

Anuradha Thadipathri Gopinath

RESPONDENT

Date of Decision : 10-07-2008

Acts Referred:

Citation : 2008 0 NCDRC 64 : 2008 3 CPJ 118

Hon'ble Judges : M.B.Shah , Rajyalakshmi Rao , Anupam Dasgupta J.

Final Decision : Revision Petition dismissed

Judgement

1. HEARD the learned counsel for the petitioner.
2. ADMITTEDLY, there was negligence on the part of the Passport Officer in not signing the passport at the time of its issuance. Visa was also issued on the said passport. The complainant reached the Bombay Airport for her onward journey to Dubai. At the airport, this lacuna came to light and the airport authorities asked her to go back and, hence, she lost the opportunity of going abroad which was sponsored by the company. Hence, the complaint. On the basis of the said passport, if the complainant had travelled outside the country, she would have been found guilty for various offences. Hence, instead of travelling, she was required to approach the District Forum for this deficiency and negligence on the part of the concerned officer. The District Forum allowed the complaint in part and directed the petitioner to pay compensation of Rs.10,000/- and costs of Rs.2,000/- to the complainant. Against that order, the petitioner preferred Appeal before the State Commission, Maharashtra. The State Commission appreciated the evidence after verifying the passport, which was found to be without signature of the Passport Officer, and dismissed the Appeal. Against that order, this Revision Petition is filed.

Learned counsel appearing on behalf of the petitioner submitted that the Passport Officer, while issuing the passport, was exercising sovereign function. In our view, this contention is totally baseless. There is no question of exercising sovereign function. He was discharging a statutory duty.

3. HE further submitted that the officer was discharging his duties without recovering any fee and, therefore, this would not be a consumer dispute. In our view, issuance or non-issuance of a passport may be a statutory duty and may not be a consumer dispute but issuance of an invalid passport which is not signed by the Passport Officer, would be deficiency in service on the part of the concerned officer as defined under Section 2(1)(g) of the Consumer Protection Act which defines deficiency. It specifically provides that deficiency means any fault, imperfection, shortcoming, inadequacy in the nature and manner of performance, which is required to be maintained under any law. Admittedly, the petitioner is charging fee for issuance of passport and, hence, service is availed by paying fee. A passport, which is issued without the signature of the Competent Authority, is on the face of it invalid which would have placed the complainant in a precarious position and she might have been hauled up for various offences if she had tried to go abroad on that passport. Such lapse amounts to a serious deficiency in discharge of duties, which is in the nature of rendering of service, hence, the complaint is maintainable. This Revision Petition is, therefore, dismissed.