

(1997) 01 NCDRC CK 0061

In the National Consumer Disputes Redressal Commission

S.A.MAJEED

APPELLANT

Vs

TELECOM DISTRICT ENGINEER, GANJAM

RESPONDENT

Date of Decision : 16-01-1997

Acts Referred:

Citation : 1997 2 CPJ 94

Hon'ble Judges : P.C.Misra , Mrinalini Padhi J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal is directed against the order passed by the District Forum, Ganjam, Berhampur in C.D. Case No. 397 of 1992 disposed of on 16th November, 1994 dismissing the case of the complainant. The appellant as complainant filed the aforesaid case alleging deficiency on the part of the Telecommunication Department. His case before the District Forum is that he is a subscriber of Telephone No. 7273 which has now been changed to 70273 with S.T.P. facilities at Berhampur. On 19.5.92 he claims to have applied to the Telecom District Engineer, Berhampur, S.D.O., Phones and Assistant Engineer, Phones, Berhampur for disconnection of S.T.D. facilities of his phone, but no action whatsoever was taken by the said authorities. It has been further alleged that in the first week of December, 1992, the complainant approached the Telecom District Engineer who has been impleaded as opposite party requesting him to disconnect the S.T.D. facilities of his phone, but he and his employees behaved rudely towards the complainant. He sustained mental agony and loss for which he has claimed Rs. 51,000/- as compensation. The present respondents as opposite parties in the aforesaid case filed his version denying his liability. His case is that the complainant had submitted an application on 19.5.92 which relates to the excessive billing as claimed by him but no prayer for disconnection of the S.T.D. facilities was made therein. He emphatically asserted that no request was ever made in writing to the opposite party or for that matter to any of the authorities connected with the matter for disconnection of S.T.D. facility. It has been said that the complainant has filed C.D. Case No. 310 of 1992 against excessive billing and had never made any request for discontinuance of S.T.D.

facilities. The allegation that the complainant had approached him in his office for the aforesaid purpose had been denied in the show cause. With the aforesaid pleadings, the District Forum proceeded to dispose of the case on merits. After the case was fully heard, the Counsel appearing for the opposite party-respondent filed a petition before the District Forum to call for the original of the petition dated 19.5.92 which had been marked as Ext. 1. The said application was finally heard again on 15.11.94 as stated in the impugned order. The District Forum after perusing all the necessary papers and after hearing both parties, came to a conclusion that no request was ever made to the Department for discontinuance of the S.T.D. service and the claim made by the complainant in the complaint petition is not tenable. The complainant's case having been dismissed, the present appeal has been filed.

2. THE respondent appears but neither the appellant nor his Counsel appeared when the case was taken up. We, therefore, proceed to dispose of this appeal after going through the memorandum of appeal and the points raised by the appellant therein. After going through the memorandum of appeal, we find that the essential point which has been emphasised by the appellant is that the President of the District Forum was prejudiced against the complainant as the present appellant had filed complaints against the President of the District Forum and had filed an affidavit alleging that the President of the District Forum demanded bribe. We do not find any jurisdiction or merits in the aforesaid allegations. As a matter of fact, the case before the District Forum was disposed of by the Forum consisting of three members of whom the President of the Forum was one. THESE according to us are baseless allegations in proof of which the appellant has placed no evidence before us. Leaving aside the aforesaid point that has been made out in the memorandum of appeal, all that has been stated is that the appellant was not given an opportunity by the District Forum which on verification of the records of the District Forum does not appear to bear any merit. THE sole question for consideration before the District Forum was as to whether any request was made by the complainant for disconnection of the S.T.D. facility which is obviously required to be made in writing. THE District Forum after careful examination of the records of the Telephone Department, came to a conclusion that no such application was ever filed. THE complainant in his complaint petition alleged that on 19.5.92, he made the request to the Telephone Department for discontinuance of the S.T.D. facilities. But it has been found that there has been no mention about the discontinuance of the S.T.D. facilities in any application said to have been filed by the complainant. We also agree that the document Ext. 1 had never been sent to the Telephone Department. In such circumstances, the complainant would not be entitled to any compensation for the alleged deficiency in service on the part of the Telecommunication Department and, therefore, his case before the District Forum has been rightly dismissed. We do not find any merit in this appeal and hence dismiss the same. Appeal dismissed. _____