
(2003) 12 NCDRC CK 0068

In the National Consumer Disputes Redressal Commission

SENIOR SUPDT., POST OFFICE

APPELLANT

Vs

Shiv Prasad

RESPONDENT

Date of Decision : 03-12-2003

Acts Referred:

Citation : 2004 2 CPJ 15

Hon'ble Judges : K.D.Shahi , Surendra Kumar J.

Final Decision : Appeal allowed

Judgement

1. -THIS is an appeal against the judgment and order dated 7.3.1995 passed by the District Forum, Dehradun whereby the compensation of Rs. 500/- was allowed to the complainant for delayed delivery of money orders.

2. THE brief facts of the case are that the complainant sent two money orders on 15.7.1994 of Rs. 1,000/- and Rs. 500/- respectively through Post Office, Araghar, Dehradun to Shri Shiv Ram, Village Basantpur, Distt. Barabanki. THE money orders were not delivered to the complainant. He sent the money orders for the expenses of his family and for non-delivery of the money orders, it is said that the complainant suffered. THEREfore he claimed the damages of Rs. 5,000/-. In their written statement the appellant admitted that the money orders were delivered to the addressee on 29.11.1991 and 1.11.1991. Here it may be pointed out that the present complaint was filed on 1.10.1994. The learned Forum held that there was deficiency in service of the employees of the Post Office Department.

The learned Forum did not consider this aspect of the case that the addressee was living in a village, although efforts were made by the employees of the Deptt. to deliver the money orders. On 31.8.1994, the duplicate money order was sent to Barabanki Post Office and the money orders were delivered. The delay was not deliberate. It is not said that the Post Office Deptt. has deliberately detained this amount or they have got any interest in detaining the amount. If the addressee himself was not available the Deptt. could not have done anything.

3. NOTICE was sent to the complainant. He was not available. It is said that he has shifted from Dehradun and his present address is not known. We have heard the appellant and we do not find any deficiency in service of the appellant, therefore, the appeal is fit to be allowed. ORDER The appeal is hereby allowed. The judgment and order dated 7.3.1995 is hereby quashed. The complaint is hereby dismissed. Appeal allowed.