

(2007) 06 NCDRC CK 0026

In the National Consumer Disputes Redressal Commission

Senior Superintendent of Post Offices

APPELLANT

Vs

R ANGAMMAL

RESPONDENT

Date of Decision : 12-06-2007

Acts Referred:

Citation : 2008 2 CPJ 264

Hon'ble Judges : K.Sampath , PonGunasekaran J.

Final Decision : Appeal dismissed

Judgement

1. -THE opposite parties in O. P. No. 8 of 2002 on the file of the District Forum, Villupuram are the appellants herein.

2. THE complainant is a widow, receiving her pension from the Government of Tamil Nadu by money order through the office of the Sub-Postmaster, Branch Post Office, Kootteripattu. She used to get her widow pension every month through money order through O. P. 3. The Special Tahsildar was maintaining a separate account number for each pensioner. Every month the revenue authorities used to issue a cheque to O. P. 2 along with money order forms with commission, so as to make payment to the pensioners. She had been getting her pension through O. P. 3. She did not get her widow pension for July and September, 2001. She preferred a complaint to the Special Tahsildar, Tindivanam on 7. 11. 2001. He referred the complaint to O. P. 3 on 5. 12. 2001 requesting O. P. 3 to investigate and take necessary steps for initiation of action against erring officials. Still the complainant did not receive her pension nor did she get any information about the follow up action taken by the opposite parties. She sent a complaint to the Postmaster General, Tamil Nadu in Chennai, who forwarded the above complaint to O. P. 1 for necessary action. This was intimated to her on 23. 1. 2002. Even after that the complainant did not receive the pension for July and September. She suspected that the pension amount might have been swindled by the officials of the opposite parties department. In these circumstances, the complaint came to be filed. The complaint was not maintainable. The money orders dated 16. 8. 2001 and 8. 10. 2001 were lost in transit due to the absence

of Pin Code in the money orders in question. O. P. 2 was, therefore, directed to issue duplicate money orders under intimation to O. P. 3. Old age pension money orders were voluminous. This was coupled with insufficient, misleading, misnomer address causing multiple miscarriage, misrouting, etc. and thereby causing occasional loss of money orders, which was neither intentional nor due to any act of negligence. The loss was beyond the control of the opposite parties. No records were kept for transmission of money orders. The booking and payment were alone recorded. The money order forms in the instant case were lost. The money orders remained unpaid. It was not paid to any other person. Before any action could be completed, the complainant had chosen to move the Consumer Forum.

The District Forum accepted the case of the complainant and by order dated 5. 2. 2003 directed the opposite parties to pay a compensation of Rs. 5,000 and cost of litigation of Rs. 1,000 to the complainant within two months from the date of receipt the order. The order has further stated that the amounts had to be paid by the opposite parties Department initially from their coffers and had to be recovered from the erring postal staff held responsible for the loss of money orders for the delayed payment of money orders after 8 months.

3. IT is as against that the present appeal has been filed. Though notice has been served on her, the complainant/respondent did not appear before us. Learned Counsel for the opposite parties submitted that under Section 48 of the Indian Post Offices Act, the delay caused in the payment of money orders in question could not be considered as deficiency in service on the part of the opposite parties. There was no allegation of fraud, wilful act or default of any officer of the Post Office. The complaint was, therefore, not maintainable. Again she was not a consumer entitled to maintain the action. The complaint had been wrongly allowed by the District Forum.

4. WE have gone through the materials on record. We are satisfied that no exception could be taken into the decision of the District Forum. The complainant is an aged widow getting a meagre pension of Rs. 200 with which she had to sustain herself. The delay in the instant case is not a small delay. It is a delay of 8 months. The complainant is admittedly a beneficiary. She was entitled to maintain the complaint and we are able to see that the opposite parties had been totally inactive and casual about the whole thing. The delay in sending the money orders had not at all been explained. This clearly amounted to deficiency in service. She had been at her wits end to get the amount. She had to approach the Tahsildar and so many others and it had taken more than 8 months to get relief. In the above circumstances, we do not find any merit in the appeal. In fine, the appeal fails and the same is dismissed. There will be no order as to costs in the appeal. Appeal dismissed.