

(2000) 02 NCDRC CK 0070

In the National Consumer Disputes Redressal Commission

SQN. LDR. RAWEL SINGH

APPELLANT

Vs

POSTMASTER, GENERAL POST OFFICE

RESPONDENT

Date of Decision : 08-02-2000

Acts Referred:

Citation : 2000 2 CPC 186 : 2000 2 CPJ 501

Hon'ble Judges : J.B.Garg , P.K.Vasudeva , Devinderjit Dhatt J.

Final Decision : Appeal disposed of

Judgement

1. THE complaint of Sqn. Ldr. Rawel Singh (retired) was dismissed by District Forum-II, Chandigarh on 27.9.1999 together with costs of Rs. 550/-. Aggrieved against it the present appeal has been attempted.

2. BRIEFLY, the facts as alleged were, that the complainant participated in an Essay Competition held by Directorate of Adult Education, New Delhi carrying the 1st prize of Rs. 15,000/-. He despatched his essay to New Delhi through Speed Post from G.P.O. Chandigarh on 15.7.1996 and Receipt No. 7812 was issued to him after receiving Rs. 40/- as charges. The A.D. received by the complainant carried the date 23.7.1996 and the complainant believed that instead of delivery of the speed post letter the next day at New Delhi, there was deficiency on the part of the Postal Department and claimed refund of miscellaneous expenses spent by him in making enquiry from New Delhi and loss of the probable prize. Herein also, during the course of arguments, our attention has been drawn by the learned Government Pleader to Annexure R/5 which is a "POST REPLY NOTE" from New Delhi which contains the date of booking as 15.7.1996 and date of delivery as 16.7.1996 in respect of Speed Post item No. 7812 which was booked at Chandigarh. This is further affirmed by the general delivery slip which contains the mention of item No. 7812 booked at Chandigarh and it was delivered to the addressee on 16.7.1996. This was supported by the Directorate of Adult Education, the addressee vide their letter dated 20.2.1997, Annexure R/7. The statement of Shri Devinder Kumar, Postman was also recorded by the Postal Authorities on 20.2.1997 and the photo-copy of the aforesaid statement is also

on the record. The mere fact that the A.D. received bore a subsequent date, i.e. 23.7.1996 which the respondent has explained that it was issued for a bundle of letters, notwithstanding that the letter in question was actually delivered the next day, i.e. on 16.7.1996. We thus, concur with the finding of fact of the District Forum-II that it was not a case where there was deficiency on the part of respondent.

We find that the District Forum-II has burdened the complainant-appellant with costs Rs. 550/-. Since he received the A.D. bearing an erroneous date, he was tempted to institute the complaint and keeping the details, referred to above, in view, we hereby modify the order to the limited extent that the costs awarded to the respondent by the District Forum-II are hereby set aside and the appeal stands disposed of. Appeal disposed of.