(1997) 11 NCDRC CK 0032

In the National Consumer Disputes Redressal Commission

UNION BANK OF INDIA — APPELLANT

Vs

RAVI VERMA — RESPONDENT

Date of Decision : 20-11-1997

Acts Referred:

Citation : 1998 1 CPJ 331 : 1998 2 CPC 659 : 1998 2 CPR 162

Hon'ble Judges : Saroj Rajwade , N.K.Vaidyas J.

Final Decision : Appeal partly allowed

Judgement

1. ZHIS is an appeal against order dated 7.5.1997 passed by the District Consumer Disputes Redressal Forum, Gwalior in their Case No.239/96 by which the Forum has directed the appellant-Post Office to pay to the respondent interest at the rate of 12% on Rs. 30,000/- for the period from 1.5.1996 to 23.5.1996 alongwith Bonus and Rs. 500/- as compensation and Rs. 250/- proceedings expenses.

2. HEARD the arguments of both the parties and perused the records of the case. The argument of the appellant is that, in the monthly income account rules, it has been clearly stated in Rule 3 that the provisions of the Post Office Savings Bank General Rules, 1981, and Post Office Savings Account Rules, 1981 so far as may be, apply in relation to matters for which no provision has been made in these rules. In Savings Account Rules, Rule 9 is as under : "Rule 9-Final withdrawal on closure : (1) Except as provided in Sub-rule 2, final withdrawal on closure of an account shall be allowed at a Sub Savings Bank, Extra Department SubSavings Bank or Branch Savings Bank, only after obtaining the sanction of the relevant Head Savings Bank. (2) When payment of interest is not involved final withdrawal on closure of an account may be allowed by a Sub-Savings Bank without obtaining the prior sanction of the Head Savings Bank".

Similarly in Savings Bank General Rules, provisions for final withdrawal on closure are as under : "Rule 11-Final withdrawal on closure : Except as otherwise provided in the relevant rules, final withdrawal on closure of an account at 4 Sub-Savings Bank, an Extra Departmental Sub-Savings Bank or a Branch Savings

Bank shall be allowed only after obtaining the sanction of the relevant Head Savings Bank".

3. BUT in Post Office (Monthly Income Account) Rules, 1987 the provisions for closure of account are as under : - "Rule 9-Closure of Account : (1) The deposit made at the time of opening of account shall be paid by the post office at which the account stands to the depositor on or after expiry of six years from the date of opening alongwith bonus equal to 10 percent of the amount deposited, on production of the pass book accompanied by a written application. (2) In case of death of a depositor before maturity, account may be closed and deposit refunded alongwith interest upto the month preceding the month in which refund is made". In this Rule 9, it is nowhere mentioned that the payment shall be allowed after obtaining the sanction of the relevant Head Savings Bank. The pass-book issued to respondent contains only Monthly Income Account Rules. Rule 9 of Savings Account Rules or Rule 11 of Savings Bank General Rules have not been quoted separately for the information of the consumers. Naturally the consumer would presume that according to Rule 9 payment shall be made by the Post Office immediately on submission of the application. 7. It has been stated by the appellant in their reply before the District Forum in para 3 that if the complainant had wanted his payment only on 30.4.1996 he should have submitted his application a few days in advance which he did not. 8. Here we would like to add that anybody who would have been aware of Savings Bank General Rules regarding final withdrawal on closure would have submitted his application 23 weeks in advance without fail because nobody would like to loose interest. In the instant case the respondent did not know that it will take time of 2-3 weeks in advance. There has been a deficiency in not informing its consumers through publication in Pass-Book itself .that 2-3 weeks'' time will be taken in payment of closure of account. Rule 9 of Savings Bank General Rules should have been categorically published in MIS Pass-Book separately for the information of account-holder. 9. We, therefore, do not find any reason to disagree with the findings of the District Forum that respondent is entitled to interest and Bonus as ordered. We, however, set aside the order regarding payment of compensation of Rs. 500/- because there has been no mental agony as such. Allowing the appeal partially, with this modification, the order of the District Forum is maintained.

Appeal partly allowed.

