
(2002) 06 NCDRC CK 0010

In the National Consumer Disputes Redressal Commission

U.P.S.E.B.

APPELLANT

Vs

Suresh Chandra

RESPONDENT

Date of Decision : 29-06-2002

Acts Referred:

Citation : 2003 1 CPJ 301

Hon'ble Judges : K.C.Bhargava , D.D.Bahuguna , Rachna J.

Final Decision : Appeals dismissed

Judgement

1. THERE are two connected appeals which have been filed against the judgment and order dated 24.7.1992 passed by District Forum, Shahjahanpur in Complaint Case No. 53/1991.

2. THE Appeal No. 1022/SC/1992 is filed by the U.P.S.E.B. and Appeal No. 1124/SC/1992 is filed by the Suresh Chandra. In his appeal, Suresh Chandra has assailed the judgment and order of the District Forum that he was not awarded inadequate compensation as Rs. 60/- deposited by him as reconnection charges (against his electric connection) with S.K. Srivastava, JE which were not deposited by the JE to the U.P.S.E.B. THEREfore, he demanded number of reliefs before the District Forum. THE District Forum has awarded Rs. 1,000/- as compensation which has to be realised from the J.E. from his salary. In the appeal of U.P.S.E.B. the judgment and order of District Forum has been assailed on the ground that District Forum has passed the order against the J.E. S.K. Srivastava, who was not made a party nor notice was given to him by the Forum and, therefore, the order of the learned District Forum is to be recalled.

We have heard learned Counsels for both the parties and perused the file record.

3. IT is admitted fact that the electric connection was wrongly disconnected twice by the JE S.K. Srivastava and reconnection charges of Rs. 30/- paid twice by the complainant were not deposited with the U.P.S.E.B. Therefore, the electric connection was delayed and the complainant had to suffer for want of electric connection. The District Forum has rightly held that there was negligence on the

part of the opposite party (U.P.S.E.B.) and ordered the U.P.S.E.B. to recover the compensation of Rs. 1,000/- from its employee JE S.K. Srivastava who was at fault in the discharge of his duties and pay the said amount to the complainant. We do not find any illegality in the judgment and order passed by District Forum as it found the U.P.S.E.B. negligent of providing services which were to be discharged by the opposite party's JE. IT is for the U.P.S.E.B. to recover the said amount from the JE (S.K. Srivastava). Moreover, the complainant shall be paid a compensation of Rs. 1,000/- for the deficiency in service, committed by the opposite party/U.P.S.E.B. Therefore, the appeal of U.P.S.E.B. has no force and accordingly liable to be dismissed. The appeal of Suresh Chandra/complainant is also not liable to be allowed as it has only challenged the compensation awarded by the District Forum. In our view a compensation of Rs. 1,000/- is adequate to meet the ends of justice. Both the appeals are, therefore, liable to be dismissed. ORDER Appeal No. 1022/SC/1992 and Appeal No. 1124/SC/1992 both are dismissed and judgment and order passed by the learned District Forum are confirmed. No order as to costs. Let a copy of this judgment and order be made available to the parties as per rules. Appeals dismissed.