

**(1994) 09 NCDRC CK 0024**

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION**

**Case No:** None

SUB-POST MASTER, DODA

APPELLANT

Vs

OM PARKASH THAKUR

RESPONDENT

**Date of Decision:** Sept. 3, 1994

**Citation:** 1995 1 CLT 632 : 1995 1 CPC 512 : 1995 1 CPJ 291

**Hon'ble Judges:** G.M.Mir J.

**Final Decision:** Appeal dismissed

**Judgement**

1. THIS is an appeal filed by the Department of Telegraphs against the order of Divisional Forum, Jammu dated 27.1.1994 where under the appellants herein were found guilty of deficiency of service and were directed to pay Rs. 25,000/- as compensation to the respondent herein. The appeal has been lodged in this Commission on 8.3.1994 which was beyond 30 days already allowed for this purpose under the Consumers Protection Act and the rules therein. However the delay being of only a few days was condoned and the appeal was heard on merits.

2. THE facts briefly stated are that the respondent who was a lawyer by profession working in Doda had sent telegrams and had also to receive telegrams to and from Jammu and Delhi and other places in connection with his avocation and also because he was a social worker. A list of all such telegrams has been given in the complaint as well as reproduced in the order of the Divisional Forum. It appears that on several occasions the appellant has failed to render proper service as enjoined upon it by the law concerning the work of the Department of Telegraph. Telegrams sent by the respondent have been reaching places of destination several days after these should have been ordinarily received. Similarly, telegrams addressed to the

respondent have been delivered beyond time. THE appellant raised objections alleging that the Divisional Forum had no jurisdiction to try the complaint in view of the provisions of the Telegraph Act and other such objections all of which have been rightly over-ruled by the Divisional Forum. In the evidence produced by the complainant i.e. the respondent herein, it has been established that the facts of late delivery or non-delivery have been established beyond doubt. THE statements of the complainant and his son and also the affidavits filed by various witnesses at Doda confirm that the appellants have in almost all cases failed to deliver the telegrams to the respondent in time. On the assessment of the evidence and other features appearing in the case the Learned Divisional Forum has rightly held that the appellant was liable to pay Rs. 25,000/- as compensation for the agony and distress caused to the respondent for failing to give proper services enjoined upon the appellant under law. THE learned Counsel for the appellants has not been able to convince us that the judgment arrived at by the Learned Divisional Forum was in any way unjust or against the principles of natural Justice. We hardly need to say that the Telegraph Department as well as Telephone Department and also the Post Office Departments working in J&K State have to a large extent, failed to give proper service to the consumers as required under law. We find the same in this case also. We accordingly uphold the judgment of the Divisional Forum and direct the payment of compensation of Rs 25,000/- to be paid to the complainant by the appellant within a period of 30 days from today.

Copies of this order be given to the parties free of charge. The respondent shall cause his appearance in the Divisional Forum in the first week of October, 1994 for obtaining further necessary orders from that Forum. Appeal dismissed.