

Date of Filing :-23.09.2022

Date of order:-10.10.2023

**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL
COMMISSION, NAMAKKAL.**

PRESENT:-

**DR. THIRU V. RAMARAJ, M.L., Ph.D.,
PRESIDENT.**

**THIRU A.S. RATHINASAMY, M.Com., B.Ed., B.L.,
MEMBER-I.**

Tuesday the 10th October 2023

CONSUMER COMPLAINT NO.139/2022

M. Rajasekaran,
27/8, East Street,
Pothanur (PO),
Namakkal (DT),
PIN-638181.

...Complainant

vs.

Sub-Post Master,
Department of Post,
P.Velur (PO),
Namakkal (DT).
PIN-638182.

...Opposite Parties

This complaint came up before us for final hearing on 19.09.2023 in the presence of the Complainant in person, Thiru K.Manokaran,Central Govt Standing Counsel, advocate for the Opposite Party and upon hearing the arguments on both sides and upon perusing the records and having stood over for consideration till this day, this Commission doth pass the following

ORDER:-

DELIVERED BY THIRU A.S. RATHINASAMY, MEMBER-I:-

This complaint was filed by the complainant under Section 35 of the Consumer Protection Act, 2019 with the plea to take action against the Opposite Party for the deficiency of service and direct the Opposite Party to pay a sum of Rs1,00,000/- as compensation for causing mental agony due to the deficiency of service towards the complainant and to take departmental action against the Opposite Party.

Brief averments in the complaint:-

2) The complainant went to the Post Office of the P.Vellore on 24.12.2021 wherein the Opposite Party is working as Sub Post Master at 12 Noon and booked two registered letters through the receipts vide RT 830502382IN and RT830502396IN and paid Rs.55/- towards the above transactions and paid Rs.11/- to purchase the Postal Order for the value of Rs.10/- and the Citizen Charter of the postal department has prescribed the duration to issue the postal order which is 3 minutes from the time of remittance of money for the same. But the postal assistant who is in the sale counter ordered the Complainant to wait for fifteen minutes to get the Postal order and in this regard the postal assistant enforced her high handedness and her supremacy which caused the Complainant a mental agony and

due to the non-issuance of Postal Order the Complainant could not sent the RTI application in time and the Complainant had issued a notice dated 27.12.2021 alleging deficiency of service against the Sub Post Master,P.Velur post office.But his grievance was not redressed. Hence this Complaint.

Brief averments in the written version of the Opposite Party:-

3) All the averments save those that are specifically admitted herein are denied and the complainant is put to strictly prove the same. The true and correct fact is that the complainant came to the Post Office of the P.Vellore on 24.12.2021 at 12 Noon and booked two registered letters through the receipts vide RT 830502382IN and RT830502396IN and paid Rs.55/- towards the above transactions at 12.05 Hours and paid money to purchase the Postal Order for the value of Rs.10/-and MPCM counter PA called the Complainant who is available in the post office at 12.09 Hours to collect the Postal Order No.42F 646799.But the Complainant suddenly left the office without receiving the Postal Order and informing anything and the Sub Post Master kept the above Postal Order in safe custody since the address of the Complainant was not known to send by post.Hence the Sub Post Master has not committed any deficiency of service in this regard and she acted according to the Ciziten charter .But the Complainant had issued a notice dated 27.12.2021 alleging deficiency of service against the Sub Post Master,P.Velur post office and enquiry was also conducted in this regard among the Sub Postmaster and the staff those who were working in the above post office and the same fact as stated supra was found out and sent a reply to the Complainant by Superintendent of post through a letter number CPT/Misc-22/dlgs dated 14.02.2022 and informed that the Complainant arrived to the Post Office at 12 Noon and he booked two registered letters at 12.05 Hours and his Postal Order

was ready to collect at 12.09 pm and also it was revealed in the enquiry that the Complainant left the office without collecting the Indian Postal Order issued to him which is in the Custody of the Opposite Party.

4) The Opposite Party followed the instructions prescribed in the Citizen Charter and the Complainant filed this Complaint with mala-fide intention to disturb the smooth functioning of the office and there is no deficiency of service on the part of the Opposite Party. The contention of the complainant is wholly baseless and untenable in law and prayed to dismiss this complaint with exemplary cost.

5) The points for consideration in this case are as follows:-

1. Whether the complainant is entitled to get the reliefs as it is prayed for in the complaint?
2. Whether there is any deficiency of service on the part of the Opposite Party towards the complainant?
3. To what other reliefs the complainant is entitled?

6) On the side of the complainant, the proof affidavit of the complainant is filed and recorded and Ex.A1 to Ex.A5 are marked and on the side of the Opposite Party, the Superintendent of Post,Namakkal has filed his proof affidavit and the same was recorded and Ex.B1 to Ex-B5 are marked.

7) Heard both sides and perused the records.

POINT NO.2:

- 8) It is admitted fact that the Complainant went to the office of the Opposite Party on 24.12.2021 at 12 Noon and booked two registered letters through the receipts vide RT 830502382IN and RT830502396IN and paid Rs.55/- towards the above registration and paid money to purchase an Indian Postal Order. It is the contention of the Complainant that the Opposite Party had violated the instruction prescribed in the Citizen Charter as per Ex-A3 and Ex-B3 wherein it is stated that the Indian Postal Orders are to be issued within three minutes and the PA of MPCM counter ordered him to wait for fifteen minutes to receive the postal order. But the Complainant left the office without receiving the IPO since they have not followed the Citizen Charter. But he has not substantiated the allegations against the Opposite Party by adducing evidences.
- 9) On perusing records, it is found that the Complainant sent a notice to the Opposite party on 27.12.2021 demanding to pay a compensation of Rs.5,00,000/- as per Ex-A1 and the Opposite Party sent a reply on 14.02.2022 as per Ex-B1 and Ex-A2. But the Complainant has not produced any documents to prove his contention that he was ordered to wait for fifteen minutes to receive the Indian Postal Order. However, on perusing Ex-A5 it is found that the two registered letters of the Complainant were booked at 12.05 pm on 24.12.2021 and it is presumed that two different transactions can't be carried out simultaneously by a single person and after completing the registration of letters, the Complainant might have paid the amount of Rs.11/- towards the purchase of Indian Postal Order for the value of Rs.10/- and as admitted by the Opposite Party in her written version that the Postal Order was ready at 12.09 pm to issue to the Complainant and they called him to receive the same at that time. But the Complainant left the

office without receiving the IPO and the same is kept in the custody of the Opposite Party since his address is not known to the Opposite Party to send it to the Complainant by post.

10) Further, considering the facts and circumstances of the complainant, it is clear that the Postal Order was ready to issue at 12.09 pm but as per the Citizen Charter it should have been ready to issue at 12.08 pm itself. In this regard there was a delay of only one minute. The contention of the Complainant is that the said delay caused him a mental agony and he could not able to send the RTI letter in time. But he has not adduced any evidence to prove his mental agony and loss caused to him in this regard and this commission is of the view that a matter of one minute will not cause a mental agony to anybody in such type of petty matters. Moreover, the time of issue of Postal Order is prescribed in the Citizen Charter but details of penalties or Compensation has not been prescribed for the delayed transactions in the Citizen Charter and the Complainant has also not substantiated his contention by adducing evidences. The commission is of the view that there is no inordinate delay in issue of the Indian Postal Order to the Complainant. Hence the complaint is baseless and vexatious in nature and hence there is no deficiency of service on the part of the Opposite Party and this point is answered accordingly.

POINT NO:1

11) In view of the findings given in point no.2, it is held that the complainant is not entitled for the reliefs as he prayed for and this point is answered accordingly.

POINT NO:3

12) In view of the findings given in point nos.1 and 2, the Complainant is not entitled for any other relief. Instead of that the Complainant is liable to be imposed

cost for the vexatious complaint filed by him against the opposite Party and for consuming the precious time of the commission. The purpose of enacting the Consumer Protection Act,2019 is to safeguard the interest of the consumers from exploitation.But taking advantage of the Section 5 (i) and (ii) of above Act, some of the litigants are misusing the Act by wearing the mask of consumer by filing vexatious complaint to grab money unlawfully from those who are not a wrong doers. If this commission entertains such type of vexatious complaints liberally, the purpose of enacting the Consumer Protection Act, 2019 will not be served. The object of the Act is, no doubt, to safeguard the interest of the consumers. But at the same time, it should not be detrimental to others those who are not the offenders. Hence the commission decides and the Complainant is directed to pay a sum of Rs,10,000/- to the Opposite Party towards exemplary cost for the vexatious complaint filed by him by virtue of section 39(m) of Consumer Protection Act, 2019 and directed to pay a sum of Rs.10,000/- to the Legal Aid Account of DCDRC,Namakkal and this point is answered accordingly.

In the result, the complaint is dismissed and the Complainant is directed to pay a sum of Rs,10,000/- to the Opposite Party towards exemplary cost for the vexatious complaint filed by him by virtue of section 39(m) of Consumer Protection Act, 2019 and to pay a sum of Rs.10,000/- to the Legal Aid Account of DCDRC, Namakkal within one month from the date of the order.

Dictated to the Steno-typist, transcribed by her, corrected and pronounced by me in open Court on this the 10th day of October 2023.

-Sd-

**MEMBER-I
DCDRC, NAMAKKAL,**

-Sd-

**PRESIDENT,
DCDRC, NAMAKKAL**

LIST OF WITNESSES AND EXHIBITS:-

COMPLAINANT'S SIDE WITNESS:-

1. M.Rajasekaran (Complainant) Proof affidavit is filed and recorded.

COMPLAINANT'S SIDE EXHIBITS:-

Ex-A1	27.12.2021	Notice to the Opposite Party	Office copy
Ex-A2	14.02.2022	Reply from Opposite Party	Original
Ex-A3	----	Citizen Charter	Xerox copy
Ex-A4	26.11.2022	Complaint to Inspector of Police	Office copy
Ex-A5	07.12.2022	Appeal Complaint to the Superintendent of Police Namakkal	Office copy

OPPOSITE PARTY'S SIDE WITNESS:-

S.Balasubramaniam Pillai,Superintendent of Post,Namakkal

Proof affidavit filed and recorded.

OPPOSITE PARTY'S SIDE EXHIBITS:-

Ex.B1.	14.02.2022	Copy of the letter issued to the Complainant	Office copy.
Ex-B2	-----	Hours of Business Chart	Xerox copy
Ex-B3	-----	Citizen Charter	Xerox copy
Ex-B4	06.10.2022	Detailed report for IPO	Xerox copy
Ex-B5	06.10.2022	Detailed report of mail	Original

-Sd-

**MEMBER-I
DCDRC, NAMAKKAL,**

-Sd-

**PRESIDENT,
DCDRC, NAMAKKAL.**