

Date of Filing :17.11.2022

Date of Order :20.09.2023

**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-III,
HYDERABAD.**

Present

SRI. M. RAM GOPAL REDDY, PRESIDENT

SMT. J.SHYAMALA, MEMBER

SRI. R.NARAYAN REDDY, MEMBER

Wednesday, the 20th day of September' 2023

C.C.No.733 of 2022

Between:

V.K. Singh IPS S/o. Sri Madhav Prasad Singh,
Aged about 62 years, Occ: Retired Govt. servant,
R/o. Plot No.49, Prashasan Nagar,
Jubilee Hills, Hyderabad – 500033.
Ph. No: 9440795959.

....Complainant

AND

India post represented by
The Chief Postmaster,
Hyderabad Customer care Centre,
O/o. Chief postmaster, Hyderabad GPO,
Hyderabad – 500001.

...Opposite Party

Counsel for the complainant: Sri M. Vijayakumar Goud & Associates,
Advocates

Counsel for Opposite Party: M/s. P. Narayana, Advocates

ORDER:

(PER SMT. J. SHYAMALA, MEMBER, ON BEHALF OF THE BENCH)

1. This complaint is filed by the complainant under Section 35 of Consumer Protection Act, 2019 praying to direct the Opposite Party:

- a) To return the articles that were missing from that parcel.
- b) In case of non – retrieval of articles, compensation of Rs.20,000/- towards compensation be paid.
- c) Since the articles were of sentimental value the actual notional and sentimental value of Rs.4,00,000/- should be paid by the opposite party to the complainant.
- d) To pay the amount of Rs.50,000/- towards such recurring incidentals and to pass such other order or orders as deem fit and proper in the circumstances of the case.

2. The case of the complainant is that, on 07.06.2022 he sent articles in 4 packets through India post at GPO, Hyderabad by his person Mr.

Md. Rawoof. The parcel man of the GPO deliberately advised to unpack the parcels which were already packed by the complainant and keep saris and bed sheets in one packet and other parcels containing shirts/pants, medical books, plastic container etc., in other packets. When the articles reached the destination i.e., Haridwar, 10 saris worth Rs.20,000/- were missing whereas other articles were intact. It was also found that the videos of packets which were taken at the time of packing at dispatch destination i.e., GPO, Hyderabad and the videos taken at the time of delivery destination i.e., G.P.O., Haridwar, Uttarakhand were different. It was also found that packets were tampered intentionally with the aim of stealing the articles and causing loss to the complainant. The post office department at Hyderabad has developed this as art to steal articles from packets. This is the third incident of theft of articles from the postal department. The earlier two were from Jubilee Hills post office for which criminal case was lodged. The complainant further states that, just to be safe and avoid theft he chose GPO., Hyderabad which is far away from his home but there also a tampering of parcels took place by the postal department staff. The complainant has no other alternative except to approach this Commission for redressal of the grievance of the complainant and prays this Commission to pay an amount of Rs.4,00,000/- and Rs.50,000/-. Hence, the complaint.

3. The Opposite Party filed his written version stating that, the complaint filed by the complainant is neither maintainable in the eye of law nor on facts as such the same is liable to be dismissed. However, the opposite party like to place the facts before this Commission in a nutshell for proper adjudication of the matter on merits. The complainant has sent three registered parcels bearing Nos.CA127326030IN and CA127326012in on 07.06.2022 from Hyderabad General Post Office and addressed to Smt.Vanya Singh, C/o.Deepak Singh, IFS, DFO Office, X523, HYP, Bilkeswar Nagar, Bilkeswar Colony, Haridwar-249401 delivered on 13.06.2022. He has lodged a web complaint informing that the article bearing No.CA127326030IN alleged that the parcel was tampered and the dimensions of the box were not the same of the original. Further, he reported that the ten sarees of worth Rs.20,000 were missing. On receipt of the complaint, the web complaint was lodged by Hyderabad GPO vide complaint No.2001894368. Inquiries were made with the delivery post office and intermediate offices, which revealed that articles were received at the delivery post office in good and sound condition. The same were delivered to the addressee on 13.06.2022. The

Sr.Suptd. of Post Offices, Dehradun Division has informed vide letter No.CR/Claims Form-DDNDO./2021-22/Chap-II dated 17.06.2022 that the addressee Smt.Vanya Singh has reported at the delivery post office Haridwar MDG Post Office that some of the contents of the parcels were missing, dimensions of the boxes were not the same as original and the contents of the boxes were also interchanged. She further reported that, missing of ten sarees of worth over Rs.20,000/-. The inquiry of alleged abstraction of contents from the above-mentioned parcels was entrusted to Asst. Suptd., of Post Offices, Haridwar vide letter No.CR/Claims Form-DDNDO/2021-22/Chap-II dated 17.06.2022 by the SSPOs, Haridwar division and directed to submit a detailed report on the same.

3a) The inquiry was concluded and which revealed that the said articles were received through bag No.CBV1003737408 in good condition Haridwar MDG Post Office and the same was delivered to postman in good condition. The complainant has alleged that, parcel was deliberately unpacked at Hyderabad, GPO. It is the duty of the supervisors of the counters to ensure not to transmit any prohibited items through any mail/parcel through India Post. Hence, it is advisable to the customer to disclose their contents if not packed before going to book the parcel/mail. The allegations made by the complainant of deliberate unpacking the parcel is not true. The complainant has reported that nearly Rs.20,000/- worth contents (sarees) were missing at the time of delivery and it is a deliberate stealing. The worth/details of the contents of the parcels has not been declared by the customer during booking of the parcel. However, if the customer is sending valuable items through Reg. Parcels, he could have insured the parcel to its intrinsic value. The parcels were booked under CCTV surveillance and under supervision of the branch supervisor. There are other staff are also working in the branch. Hence, the allegations made by the complainant that the intentional stealing of contents at Hyderabad GPO is unsubstantiated. Other two incidents reportedly happened at Jubilee Hills Post Office as intimated by the complainant is not related to Hyderabad GPO. Hyderabad GPO is booking hundreds of parcels every day destined to various parts of the world. However, the no complaint has ever received the contents were stolen by the Staff of Hyderabad GPO, GPO is striving to maintain the good will with the customers. In view of the above, the opposite party respectfully prays that this Commission to dismiss the complaint.

4. During the course of trial, the complainant examined as PW1 and got marked Exs.A1 to A6. Sri A. Subrahmanyam, Chief Postmaster, Hyderabad GPO., examined as Dw1 and got marked exhibits B1 to B7. Both parties filed their written arguments. Heard by both.

5. After perusal of pleadings and documents, the following points are raised for consideration:

1. Whether there is any deficiency in service on the part of the Opposite Party?
2. Whether the complainant is entitled for the reliefs prayed for?
3. To what extent?

6. Point No.1 & 2:

There is no dispute that, complainant has sent three registered parcels bearing Nos.CA127326030IN, CA1273226026IN and CA127326012IN on 07.06.2022 from Hyderabad General Post Office, addressed to Smt. Vanya Singh C/o. Deepak Singh, IFS, DFO Office, X523, HYP, Bilkeswar Nagar, Haridwar-249401 delivered on 13.06.2022 as per Ex.B2 &B3. During booking the parcels at GPO, Hyderabad by complainant's person Md. Rawoof, as per advise of concerned person of the GPO, unpacked the parcels which were already packed by the complainant and kept saris and bed sheets in one packet and other parcels containing shirts/pants, medical books, plastic container etc., in other packet and the same was admitted by the opposite party that, the parcels booked under CCTV surveillance and under supervision of the branch supervisor. When the articles reached the destination i.e., Haridwar, the parcels were looked tampered and 10 saris worth Rs.20,000/- were missing whereas other articles were intact as per complaint letter issued by Dr.Vanya Singh. As per Ex.A4 original photographs, it was found by the complainant that, the videos of packets which were taken at the time of packing at dispatch destination i.e., GPO, Hyderabad and the videos taken at the time of delivery destination i.e., G.P.O., Haridwar, Uttarakhand were different as the packets were tampered and 10 sarees worth Rs.20,000/- very missing from the parcels.

6.a) Complainant has lodged a web complaint as per Ex.B1 informing that the parcel was tampered and the dimensions of the box were not the same of the original and ten sarees of worth Rs.20,000 were missing vide complaint No.2001894368. Smt. Vanya Singh has reported at the delivery post office Haridwar MDG Post Office that some of the contents of the parcels were missing, dimensions of the boxes were not the same

as original and the contents of the boxes were also interchanged. She further reported about missing of ten sarees of worth over Rs.20,000/-. The inquiry of alleged abstraction of contents from the above-mentioned parcels was entrusted to Asst. Supdt., of Post Offices, Haridwar vide letter No.CR/Claims Form-DDNDO/2021-22/Chap-II dated 17.06.2022 by the SSPOs, Haridwar division and directed to submit a detailed report on the same. The inquiry was concluded and which revealed that the said articles were received through bag No. CBV1003737408 in good condition Haridwar MDG Post Office and the same was delivered to postman in good condition. Inquiries were made with the delivery post office and intermediate offices, which revealed that articles were received at the delivery post office in good and sound condition as per Ex.B4,B5 & B6, enquiry reports in Hindi and translated into English. The contention of the opposite party is that, the allegation of the complainant that, parcel was deliberately unpacked at Hyderabad, GPO is not correct as it is the duty of the supervisors of the counters to ensure not to transmit any prohibited items through any mail/parcel through India Post and it is advisable to the customer to disclose their contents and declare the worth/details of the contents of the parcels during booking of the parcel. However, if the customer is sending valuable items through Reg. Parcels, he could have insured the parcel to its intrinsic value, whether that suggestion/rule is explained to the complainant is not explained by the opposite party but only stated regarding that provision in their written version. Opposite party also contended that, Hyderabad GPO is booking hundreds of parcels every day destined to various parts of the world and no complaint has ever received the contents were stolen by the Staff of Hyderabad GPO as GPO is striving to maintain the good will with the customers but opposite party did not filed any proof to that extent and looks like a mechanical statement.

6.b) It is a proven and admitted fact that the Complainant sent parcels containing clothes and other articles from Hyderabad to Haridwar. The dispute is that, the registered parcels where reached destination in tampered condition with missing 10 sarees worth Rs.20,000/- The concerned officials of the Postal Department are accountable to the loss occurred to complainant and just cannot escape giving false statements in the inquiry, as the CCTV recording at GPO, Hyderabad while re-packing the parcels is within the custody of opposite party.

If we go through a decision rendered by Hon'ble National Consumer Disputes Redressal commission in *Post Master, Post Office, ... vs Ripan*

Kumar on 10 January, 2020 held that, In the given facts, condoning such attitude, and mechanically applying the protection of [Section 6](#) of the Act 1898, and outrightly overlooking the deficiency in service under the Consumer Protection Act, 1986, will defeat the purpose of both, the relevant provisions of the Act 1898 and the relevant provisions of the Consumer Protection Act, 1986 and also tantamount to this Commission granting carte blanche for inefficiency and deficiency without responsibility or accountability, which situation would be absurd. A contention has been made in para 12 under Grounds of Revision in the Memo of Petition that "Had the contents of the parcel were so precious the same must have been got insured by the complainant.". It cannot be that the Exemption from liability for loss, mis delivery, delay or damage provided under [Section 6](#) envisages that the exemption is so all encompassing and so unquestionable that a 'consumer', who pays for the services to send a parcel through speed post through the postal department, has to send his consignment either by taking prior insurance to cover 'postal perils' or to send it at his own risk and cost with the postal department being immune to any liability or accountability whatsoever. Such contention is absurd on the face of it. It has already been critiqued that in the given and admitted facts of this case, to apply the protection provided under [Section 6](#) would be absurd. The correct approach would be for the Postal Department to inculcate systemic improvements and imbibe responsibility and accountability.

6.c) The above decision exactly fits to the present case and this commission feels that, this is a fit case to impose just and reasonable cost and advice the opposite party to inculcate systemic improvements and imbibe responsibility and accountability. Therefore, the complainant is entitled for Rs.20,000/- towards compensation along with cost of Rs.5,000/- and the opposite party is directed to pay the same and it will be open to the Postal Department to recover the Award and the Cost from its concerned officials responsible, after adopting the due process.

7.Point No.3: In the result, the complaint is allowed in part, directing the opposite party to pay;

- i).Rs.20,000/- (Rupees twenty thousand only) towards compensation,
- ii).Rs.5,000/- (Rupees five thousand only) towards cost of the complaint.
- iii).Rest of the claims of complainant are dismissed.

Time for compliance is 45 days from the date of receipt of copy of this order.

Typed to my dictation and pronounced in the Open court on this the 20th day of September' 2023.

Sd/-
MEMBER

Sd/-
MEMBER

Sd/-
PRESIDENT

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

For Complainant:

PW1 -Sri V. K. Singh.

For Opposite Party:

DW1: Sri A. Subrahmanyam, Chief Postmaster, Hyderabad GPO.

DOCUMENTS MARKED

For Complainant:

Ex.A1 – is the copy of Letter dt.27.06.2022 addressed to the opposite party by the complainant & Postal receipts, dt.07.06.2022.

Ex.A2 – is the copy of Letter addressed to Chief Postmaster from the complainant, dt.24.06.2022.

Ex.A3 – is the copy of Postal receipts.

Ex.A4 – is the Lr. No. Addl. CP/Cr & SIT/Camp/31/2023 dated 11.01.2023 for transfer of case on the point of jurisdiction.

Ex.A5 – is the Original Photographs.

Ex.A6 – is the copy of Original CD.

For Opposite Party:

Ex.B1 – is the copy of Web complaint filed by the complainant.

Ex.B2 – is the copy of List of transactions (ref.parcels) booked by the complainant.

Ex.B3 – is the copy of Delivery slips obtained from the delivery post office.

Ex.B4 – is the copy of Inquiry Report of ASP, Haridwar, Sub Division, Haridwar.

Ex.B5 – is the copy of Statement dt.08.07.2022 of Ms. Vanya Singh.

Ex.B6 – is the copy of Statement dt.12.07.2022 of Sri Mahavir Singh, Postman Haridwar MDG.

Ex.B7 – is the copy of Statement dt.13.07.2022 of Sri Kailash Singh Rathaur, PA, Haridwar MDG.

Sd/-
MEMBER
KPS

Sd/-
MEMBER

Sd/-
PRESIDENT

//CERTIFIED TRUE FREE COPY//