

Central Administrative Tribunal  
Principal Bench

O.A.No.527/2002  
M.A.No.450/2002

(12)

Hon'ble Shri Shanker Raju, Member(J)

New Delhi, this the 21st day of January, 2003

1. Vinesh Pandey  
s/o Late Shri Babu Ram
2. Kasturi Devi  
w/o Late Shri Babu Ram

Both c/o Dr. Sushma Pandey  
Patwari Road  
Opposite Ara Machine  
Tehsil Milak  
District Rampur  
Uttar Pradesh.  
(By Advocate: Sh. S.K.Gupta)

... Applicants

Vs.

1. Union of India  
through General Manager  
Northern Railway  
Baroda House  
New Delhi.
2. Divisional Railway Manager  
Moradabad Division  
Northern Railway  
Moradabad.  
(By Advocate: Sh. R.L.Dhawan)

... Respondents

O R D E R(Oral)

By Shri Shanker Raju, M(J):

Heard both the parties.

2. Claim of applicant is for compassionate appointment in the capacity of adopted son of the deceased Government servant.

3. Para III(b) of Master Circular 16 of Railway Board dealing with compassionate appointment, which is reproduced as under:

" ADOPTED SONS AND ADOPTED DAUGHTERS:

- (i) There is satisfactory proof of adoption valid legally;
- (ii) The adoption is legally recognised under the personal law governing the Railway servant;

(iii) The legal adoption process has been completed and has become valid before the date of death/medical decategorisation/ medical in capacitation (as the case may be) of the ex-employee.

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(NO.E(NG)II/86/RC-1-1/Policy dt. 20.5.1988)."

3. In this conspectus, learned counsel for respondents stated that in order to be amenable to the Master Circular 16 ibid, applicant, as per Section 16 of the Hindu Adoption and Maintaining Act, 1956, is to submit an adoption deed duly registered and also if the adoption is recognised under personal law governing the Railway servant, which is applicable to the applicant.

4. On the other hand, learned counsel for applicant, Sh. S.K.Gupta, contended that, in the past, while issuing the railway passes, respondents have acknowledged that applicant is an adopted son of the deceased Railway servant as such it is not, now, open for them to challenge or to act contrary to that.

5. I have carefully considered the rival contentions of the parties and also perused the material on record.

6. An adopted son as per Master Circular is to be considered for being appointed on compassionate basis. But before this certain pre-requisites are to be satisfied as per the Master Circular ibid. Applicant, in this case, has produced the adoption deed but on perusal of the same, is not found to be registered as per Section 16 of the Hindu Adoption and Maintenance Act ibid.

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7. In this conspectus, ends of justice would be met, if the present OA is disposed of with direction to applicant to <sup>u</sup>Make his claim for compassionate appointment on production of legally admissible documents as per Master Circular 16 *ibid*. Thereafter, respondents are directed to consider the claim of applicant in accordance with rules and as per Master Circular No.16 for according compassionate appointment to the applicant. No costs.

S. Raju

(Shanker Raju)  
Member(J)

/rao/