

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

O.A. No. 350/77/2016

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(1) Smt. Sabita Bai, C/o Lt. Chote Lal, aged about 50 years, residing at Village - Bara Ayma, Ward No. 31, Opposite of National Club, P.O. Nimpura, Kharagpur, District - Paschim Midnipur, Pin code no 721304.

(2) Girish Kumar, son of Chhote Lal, aged about 30 years, residing at Village & P.O. - Bhathahin Khurd Via Fajilnagar, Kushinagar, Uttar Pradesh, Pin 274401.

..... APPLICANTS

V E R S U S -

- i) Union of India, through the General Manager, South Eastern Railway, Garden Reach, Kolkata 700 043
- ii) The Workshop Personnel Officer, South Eastern Railway, Garden Reach, Kolkata 700043

..... RESPONDENTS

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/77/2016

Date of order: 4/5/20

Present : Hon'ble Mrs. Bidisha Banerjee, Judicial Member

1) Smt. Sabita Bai

2) Girish Kumar

VS.

Union of India & Others

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Ms. G. Roy, Counsel

ORDER

Per Bidisha Banerjee, Judicial Member



This application has been preferred to seek the following reliefs:-

- "a) Office Order dated 18.11.2015 issued by WPO, S.E. Railway, Kharagpur cannot be enable in the eye of law and the same may be quashed;
- b) An order do issue directing the respondents to grant an appointment in favour of applicant no.2 on compassionate ground;
- c) Leave may be granted to file this Original Application jointly under Rule 4(5)(a) of the CAT Procedure Rules, 1987."

2. The order impugned reads thus:-

"On going through your appeal and adoption deed, it is revealed that the adoptions made on 04.12.1991 are not accordance with the provision of the Hindu Adoption and maintenance Act. Hence, not valid from legal point of view.

As such, Sri Girish Kumar is to be treated as step son of the ex. employee Lt. Chote Lall and there is no provision to extending employment assistance on compassionate ground to the step son.

However, employment assistance can be extended to you or your 3rd son subject to eligibility and fulfillment of other criteria as per extant rules."

3. Although, the order impugned does not furnish the reason behind rejection, through the reply the respondents have expressed their willingness to

provide employment assistance to the applicant or her son Soumendra, born out of the wedlock with her second husband Chote Lall, Ex-Tech Gr. II i.e. natural son of Chote Lall, but not to her son from her previous marriage whom Chote Lall had adopted, which is fair enough. The applicant has failed to substantiate that the respondents are bound to consider the adopted son of the deceased and the adopted son has a right to be preferred.

4. Therefore, the O.A. is disposed of with a direction upon the applicant to either seek appointment for herself or her son Soumendra, the natural son of the deceased employee.

No costs.

(Bidisha Banerjee)
Judicial Member

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