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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 703/98

New Delhi this the 14th day of February 1999

Hon'ble Shri R.K. Ahooja, Member (A)

1. Km. Rita Rani,
D/o Late Shri Brahm Chand,
Resident of 46(313/56C) Anand
Nagar, Inder Lok,
Delhi-110 035.
2. Smt. Ganga Devi,
W/o Late Shri Brahm Chand,
Resident of 46(313/56C),
Anand Nagar,
Inder Lok Delhi-110 035. Applicants

(By Advocate: Shri R.K. Relan)

-Versus-

1. The General Manager,
Northern Railway,
Baroda House, New Delhi
2. The Divisional Railway Manager,
Delhi Division,
Northern Railway,
New Delhi.
3. The Station Supdt.,
Northern Railway,
Shakurbasti,
Delhi-110 034. Respondents

(By Advocate: Shri R.P. Aggarwal)

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The applicant no. 1 ^{claims} ~~who~~ to be the adopted daughter of late Shri Brahm Chand, Cabinman who died in harness while in service of the railways on 13.12.1995. The grievance of applicant no. 1 and applicant no. 2, the widow of the deceased of the railway employee is that the respondents have declined to consider the case of applicant no. 1 for compassionate appointment on the ground that the

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applicant no. 1 is not the natural daughter of the deceased and no legal adoption deed has been submitted on her behalf.

2. The respondents in their reply have firstly raised a preliminary objection of limitation since the impugned letter Annexure A-1 is dated 25.7.1996 whereas the O.A. has been filed on 30.3.1998. They say that as per the School Board Certificate of applicant No. 1, the name of her father is recorded as Jai Ram. They also state that the name of applicant no. 1 was entered in the ration card only after the death of the government employee. They admit the claim of the applicant that privilege passes were issued in favour of applicant no. 1 but this is done on the yearly declaration by the employee and the deceased had made wrong declaration.

3. Having heard the counsel on both sides and having perused the record, I find that the applicants have a strong case for the relief prayed for. The O.A. is accompanied with an application for condonation of delay. The letter, Annexure A-1, is not in the nature of the final disposal as the consideration of the case of the applicant no. 1 has been made contingent upon the production of the adoption deed. Considering that the delay, if any, is only of a few months and that applicant no. 2 is an uneducated person, the delay, if any, is condoned.

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4. The case of the applicants is that though there was some document prepared at the time of adoption, they cannot lay their hands on it after 16 years. It is an admitted position that the railways in 1982 had issued an identity card in respect of applicant no. 1 showing her as the daughter of the deceased government railway employee. It is also not denied by the respondents that they had issued privilege passes for the applicant no. 1 considering her to be the member of the family of the railway employee. It is also an admitted position that the deceased government railway employee had no natural child of his own. The name of applicant no. 1 also appears in the ration card of the deceased government railway employee for the year 1988. Thus, in these circumstances there appears to be sufficient proof that applicant no. 1 was treated and accepted by the respondents themselves as the adopted daughter of the deceased government railway employee since 1982.

5. It was argued by the learned counsel for the respondents that in case the adoption had taken place in reality, the Board Certificate from the School would have shown the name of the deceased government railway employee as her father. The explanation given by the applicant is that the name of her natural father had been entered at the time of her entry in school much before the adoption in 1982 and the entries made at that time of admission continued. This one factor alone cannot in my view dispe^l the

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inference arising out of respondents' own conduct in granting the identity card and privilege passes to applicant no. 1 since 1982.

In the light of the above, I allow the O.A and direct the respondents to consider the case of the applicant No. 1 for compassionate appointment as per rules. This will be done within a period of three months from the date of receipt of a copy of this O.A.

R. K. Ahooja
(R.K. Ahooja)
Member(A)

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