

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

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original Application No. 235 of 1997

this the 17th day of December 2002.

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)Smt. Mukhrani w/o late Babu Lal, R/o Sardar Purwa Mauja
Shahpur Derapur Pargana Dorapur, District Kanpur Dehat.

Applicant.

By Advocate : Sri Anil Dwivedi.

Versus.

1. Union of India through the General Manager,
N.R., Baroda House, New Delhi.
2. The Divisional Rail Manager, N.R., Allahabad.
3. The Divisional Operating Manager, N.R., Allahabad.

Respondents.

By Advocate : Sri A. Tripathi (Absent)

ORDER (ORAL)

The grievance of the applicant in the present case is that the husband of the applicant had died on 19.12.1994 while serving as porter and thereafter she had given a representation on 15.9.95 to consider for appointment on compassionate grounds ~~to~~ the adopted son Shri Dharmendra Singh, who was adopted by her late husband Sri Babu Lal during his life time on 3.4.1991 and the adoption deed was duly executed before the Notary. ^{instituted R}

However, since the respondents have ~~resisted~~ subsequently registered on 13.5.96 registered the adoption deed, ~~but~~ they got ^{the said} ^{but} adoption deed before the Registrar as well and till date neither the respondents have rejected their case, nor have given any reply to her. Therefore, being aggrieved, she has no other alternative but to file the present O.A. before the Tribunal. The applicant i.e. widow of late Sri Babu Lal has claimed that a

direction be issued to the respondents to consider and give employment on compassionate grounds to the adopted son of the applicant.

2. The O.A. is opposed by the respondents who have stated that late Babu Lal never mentioned in his service particulars that he adopted any son, nor his wife gave any particulars at the time of settlement of dues regarding the adopted son. On the contrary, she had given two letters to the DRM in which she had specifically stated that she had neither any daughter, nor a son and since she is old and sick, she is not in a position to work. Both the letters are annexed as Annexure CA-1 & CA-2 to the Counter. The application for family pension is also annexed as Annexure CA-3. Apart from it, they have annexed the Railway Board's letters dated 20.5.98 and 11.12.96 wherein it was stated that the adopted son or daughter could be considered for compassionate appointment provided the legal adoption process has been completed and has become valid before the date of death/medical decategorisation/medical incapacitation (as the case may be) of the Ex-employee. In the subsequent letter, it was decided that the adopted son could be considered for compassionate appointment provided such adoption has been accepted for the issue of privilege pass/PTOs as per provisions under the Pass Rules. The respondents have, thus, submitted that the applicant has neither completed the formalities of having registered the adoption deed before the death of the employee, nor had she given any information to the department for the said adopted son. Accordingly, the adoption deed seems to be an after thought and such request cannot be acceded to.

3. The applicant in the Rejoinder has stated that the widow of late Babu Lal was just asked to put her

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thumb impression on the letters written by the welfare Inspector without informing her about the contents of the said letters. Therefore, those letters are of no consequence and since the adoption was carried-out in the year 1991 before the Notary, the adoption is valid in the eyes of law.

4. I have heard the applicant's counsel and perused the pleadings as the respondents' counsel was not present.

5. There seems to be some force in the respondents' contention that had the adoption taken place in the year 1991 as alleged by the applicant, definitely the employee ~~have~~ would/mention about the same in his family members and informed the department about it and would have also claimed for privilege pass/PTOs for the adopted son as well. It is not disputed by the applicant that any information was given by her late husband. More-over Annexure CA-1 & CA-2 which are the letters duly thumb impression by the applicant clearly states that she did not have any son or daughter and was not in a condition to work any more. Even in the settlement dues form, which was filled-up by the applicant, she did not mention about the adopted son. Therefore, the story of the adoption seems to be an after thought. In any case, the instructions issued by the Railway Board on the subject are very clear that the adoption deed should have been registered before the death of the employee or adoption should have been accepted by the department for issuance of privilege pass/PTOs during the life time of the employee. In the instant case, the adoption deed was registered on 13.5.96 ^{after} i.e. much before the death of the employee because he died admittedly on 19.12.94 and there is no averments in the O.A. with regard to the issuance of privilege pass in favour of the so-called adopted son. Therefore,

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I am convinced from the reply given by the respondents
that the case does not fall within the scope of
the instructions as laid down by the Railway Board
in connection with the compassionate appointment for
the adopted son or daughter, I find that there is no
merit in the O.A. and the same is accordingly dismissed.
NO COSTS.

MEMBER (J)

GIRISH/-