



## **Central Administrative Tribunal Jammu Bench, Jammu**

T.A. No.5775/2020  
(S.W.P. No.2104/2013)

Wednesday, this the 7<sup>th</sup> day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Mohammad Aslam Baba, s/o Ghulam Mohi-uddin Baba,  
Adopted son Gulam Mohammad Baba, R/o Kulan Kangan,  
Kashmir, aged 23 yrs.

.. Applicant

(*Nemo* for applicant)

Versus

1. State of Jammu and Kashmir, through Commissioner/Secretary , Power Development Department, Civil Secretariat, Srinagar.
2. Chief Engineer, Power Development Department, Rajbagh Srinagar.
3. Executive Engineer, Electrical Division, Ganderbal.
4. Accountant General, J & K, State at Srinagar.
5. Accounts Officer (P.N.R.-V) at Accountant General Office, Srinagar.

.. Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

**ORDER (ORAL)****Mr. Justice L. Narasimha Reddy:**

One Shri Ghulam Mohammad Baba (G.M.Baba), was an employee in the Electrical Division, Ganderbal, and he is said to have died on 18.02.2004, while in service. The applicant states that Shri G.M.Baba, was issueless and during his lifetime, he adopted him under a written deed. He said to have filed a suit for declaration of adoption, and on the basis of decree passed therein, he claimed right in the properties left by the G.M.Baba. He filed an application before the respondents with a prayer to grant him the family pension and to extend him the death-cum-retirement gratuity. The Accounts Officer of the Accountant General (A&E), Jammu & Kashmir, Srinagar, passed an order dated 04.05.2012, rejecting the claim of the applicant. It was stated that his adoption cannot be accepted and at any rate, he has crossed the age of 25 years and the question of granting pension does not arise. The death-cum-retirement gratuity was also denied on the ground that the deed of adoption was not registered. Challenging the order dated 04.05.2012, the applicant filed SWP No.2104/2013 before the Hon'ble High Court of Jammu & Kashmir.

2. The SWP has since been transferred to the Tribunal in view of re-organization of the State of Jammu & Kashmir and renumbered as T.A. No.5775/2020.

3. Today, there is no representation for the applicant. We heard Mr. Rajesh Thappa, learned Deputy Advocate General, for the respondents, and perused the record.

4. It is not dispute that the applicant is claiming the status of an adopted son of the deceased employee Shri G.M.Baba. Though he is said to have filed civil suit in this behalf, we are not concerned with that. He claimed two benefits vis-a-vis the service of the deceased employee. The first is family pension and the second is the death-cum-retirement gratuity. The family pension is available to a natural son of the employee, in the absence of his wife, only when he is below the age of 25 years. Since the applicant crossed the age of 25 years, the question of granting the family pension even to the natural son, does not arise.

5. Coming to the question of death-cum-retirement gratuity, it would be payable only to a recognized legal heir of the deceased employee. The applicant claims to be the adopted son of late Shri G.M.Baba. Firstly, there is no concept of adoption in

the Muslim law. Secondly, even where the adoption takes place, it can be only through a registered document under the law. The respondents cannot act upon an unregistered deed.

6. We do not find any merit in this T.A. It is accordingly dismissed. There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**July 7, 2021**  
/sunil/jyoti/dsn