

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD

-10-

O.A.No. 94 of 1992

Ved Prakash Tiwari ... ... Applicant

Vs.

Union of India and others ... ... Respondents

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HON'BLE MR MAHARAJDIN, MEMBER-J

This application has been moved by the applicant under Section 19 of the Administrative Tribunal Act seeking the relief for providing appointment by the respondents to the applicant on compassionate ground.

The relevant facts giving rise to this application are that late Madan Gopal Singh was working as Fitter Highly Skilled Grade-I, P.M.S., in Diesel Locomotive Works, Varanasi. He died on 06-02-90. The applicant Ved Prakash Tiwari, claiming himself to be the adopted son of Madan Gopal Tiwari, moved this Tribunal to issue direction to the respondents to provide employment on compassionate ground.

The respondents filed Counter Affidavit and resisted the claim of the applicant on the ground that the applicant is not a legally adopted son of the deceased employee.

I have heard the learned counsel for the parties and perused the record.

It is stated on behalf of the applicant that Madan Gopal Singh, deceased employee, during the lifetime, wanted to adopt the applicant as his son. Since he ~~was~~ had died — therefore, the formalities of adoption were not completed during his lifetime. It is further stated that Madan Gopal Singh left a will to the effect that the adoption proceedings of the applicant would be completed by his wife after his death. So it is now borne out that during the lifetime of the deceased, the applicant was not adopted as his son. The respondents have refused the request of the applicant as well as the widow of Madan Gopal Singh to provide employment to the applicant on compassionate ground. The respondents have filed a circular of the Railway Board (Annexure R-4). Para 2(iii) of the said Annexure reads as under :-

"The legal adoption process has been completed and has become valid before the date of death/ medical deategorisation/medical incapacitation (as the case may be) of the ex-employee."

This is the condition placed by this Circular for treating

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as an adopted son or the adopted daughter. This circular has statutory force. The applicant has filed copy of the adoption deed dated 07-08-90 (Annexure A-7). It admittedly came in existence after the death of Madan Gopal Singh, who died on 06-02-90. So on the face of the circular cited above which has statutory force, the adoption deed which came subsequent to the death of the employee, has no value. In these circumstances I feel that the Railway Administration were justifying in refusing the employment to the applicant on compassionate ground treating him as the adopted son of the deceased employee.

In view of the discussions made above I find no merit in this application and it is hereby dismissed with no order as to cost.

  
MEMBER-J

DATED: ALLAHABAD, August 10, 1993.  
(VKS PS) 