

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Allahabad : Dated this 3rd day of July, 2001.

Original Application No.1124 of 1993.

CORAM :-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Maj Gen KK Srivastava, A.M.

Shamsher Lal adopted son of Late Mukhram,
Porter in SS/PR Moghalsarai,
Resident of Village Kurkala, Post Office-Moghalsarai,
District Varanasi.

(Sri SN Srivastava, Advocate)

..... .Applicant

Versus

1. The Assistant Operating Superintendent
Eastern Railway, Moghalsarai.
2. The Divisional Operating Superintendent (T)
Eastern Railway, Moghalsarai,
3. Union of India through its Secretary
Baroda House, New Delhi.
4. The Divisional Railway Manager, Eastern Railway,
, Moghalsarai, Varanasi.
5. The Senior Divisional Operating Superintendent,
Eastern Railway, Moghalsarai, Varanasi.

(Sri Amit Sthalekar, Advocate)

..... .Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

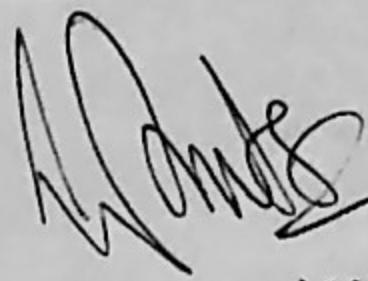
This DA under Section 19 of the Administrative Tribunals Act, 1985, has been filed challenging the order dated 28/30-4-1992 (Annexure-2 to the DA) by which the applicant has been removed from service after conclusion of the disciplinary proceedings initiated against him. He has also challenged the order dated 24-7-1992 by which the appeal of the applicant has been dismissed.

2. The facts of the case giving rise to this application are that one Sri Mukh Ram was serving in the Railway as

sorting Porter under the Eastern Railway, Moghalsarai, Station Superintendent. Sri Mukh Ram had no male issue. He died on 16-1-1965, in harness leaving behind his widow and two daughters. They did not claim any appointment being heirs of the employee who had died in harness. The applicant, however, made an application in 1979 i.e. after 14 years of the death of Sri Mukh Ram claiming that he is the adopted son and he should be appointed on compassionate ground. The applicant was given appointment as Porter and he joined duty on 02-7-1979. Smt. Phool Kumari widow of Sri Mukhram lodged a complaint dated 11-1-1982 alleging that the applicant is not the adopted son of Sri Mukh Ram and he has secured the appointment on the basis of forged papers and placing incorrect facts. On this proceedings were initiated against the applicant. A memo was served on 10-3-1992. The applicant filed his reply on 25-3-1992. After considering the materials on record the applicant was removed from service vide order dated 28/30-4-1992. The appeal filed by the applicant was dismissed on 24-7-1992. Learned counsel for the applicant submitted that the applicant filed a certificate of parentage dated 5-6-1979. He also filed Voters List of 1979 and there was sufficient material to show that the applicant was the adopted son of Late Mukh Ram. All these documents have been taken into consideration by the authority below but they have not been accepted. It is not disputed that Sri Mukh Ram died on 16-1-1965. It is claimed that adoption took place during his life time. If that was so the evidence should have been produced by the applicant showing ceremony of adoption or some documents related to the adoption pertaining to the year before 1965 by the applicant, ⁱⁿ ~~for~~ which the applicant has

failed.

3. We have perused the impugned order. We do not find any illegality. The applicant failed to prove that he was the adopted son of Late Mukh Ram. In the circumstances the orders do not suffer from any error of law. This OA is accordingly dismissed having no merits. There shall be no order as to costs.



Member (A)

Vice Chairman

Dube/