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RESERVED.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

ORIGINAL APPLICATION NO.1144 of 1993.

Allahabad, this the 22nd th day of January 2003.

HON'BLE MRS.MEERA CHHIBBER, J.M.

Jitendra Singh
S/o Late Sheopal Singh
R/o Village Manikapura,
P.O. Barpura, District Etawah.

.....Applicant.

(By Advocate : Sri Saumitra Singh)

Absent

Versus.

1. Union of India
through its Secretary,
Ministry of Defence,
New Delhi.
2. Director General of Ordnance Factory,
Ordnance Factory Board,
10-A Akaland, Calcutta.
3. General Manager,
Field Gun Factory,
Kalpi Road,
Kanpur: 208009.
4. Works Manager/E.D.P. Field Gun Factory,
Kanpur.

.....Respondents.

(By Advocate: Km. S Srivastava)

_O_R_D_E_R_

By this O.A. applicant has sought quashing of order dated 27.1.93 (Pg.15) (Whereby his request for compassionate appointment has been rejected) and a direction to appoint the applicant on compassionate grounds.

2. The brief facts as narrated by applicant are that his father late Shri Sheopal Singh was appointed as

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[Signature]

Fireman in Fire Brigade Section in 1978. He expired on 26.6.92 while on duty due to heart attack. Shri Sheopal Singh had adopted applicant as his son on 5.6.86 which is apparent from certificate issued by Village Pradhan (Annexure A II) same is also evident from family register maintained in the Village (Annexure III). He has also relied on registered adoption deed (Annexure A IV). Since he and widow were the only dependants he gave an application on 10.8.90 (Annexure A-6) for compassionate appointment being the only legally adopted son however the same was rejected. Being aggrieved he has filed the present O.A. He has submitted simply because the adoption deed was registered after the death of employee this can be no justification to deny the compassionate appointment as he was adopted in 1986 itself. He has also submitted that since no opportunity was given to him the order gets vitiated for non compliance with principle of natural justice.

3. The O.A. is opposed by respondents who have stated that on 21.6.89 the employee had furnished details of his family and nomination for D.C.R.G and he gave only two names Mrs. Asha Kumari his wife and Km. Guddi Devi his daughter. No other person was shown as family member similarly after his death when the widow filled up forms she also did not mention anything about the adopted son. Thus, no information was given by the deceased or his wife in his office regarding adopting the son. On the contrary after the death Shri Sheopal Singh, the widow applied for compassionate appointment in favour of her son in law vide application dated 24.7.92 but the same was rejected vide letter dated 8.8.92. Even at that juncture she never informed about her adopted son nor applied for granting compassionate appointment to him. They have

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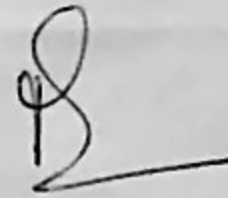
further explained that the applicant gave application on 10.8.92 stating therein that the widow again adopted him legally on 23.10.92 a date which was yet to come, therefore, they have submitted this is a case of cheating. They have also submitted that applicant had died in house/hospital and not while on duty, therefore, applicant is wrongly stating to be son of late Sri Shaopal Singh as he never adopted him legally during his life time. They have thus prayed that D.A. may be dismissed with costs.

4. I have heard the respondents counsel and perused the pleadings. Applicant's counsel was not present and this is a case pertaining to the year 1993, therefore, I proceeded to hear the matter by attracting Rule 15(1) of C.A.T. Procedure Rules.

5. It is seen in the nomination form for D.C.R.G. the deceased employee had shown only his wife and daughter as his family and this form was filled as late as on 21.6.89. Had he adopted any son in 1986 as alleged by the applicant definitely he would have informed the department and included his name also in this form but he did not do so. Similarly after the death of employee when his widow filled up the form on 1.8.92. She wrote only the name of Km. Guddi as deceased's daughter and against the column son wrote 'No' meaning thereby that till that time no adoption had taken place. If the widow adopted any son after the death of employee on 23.10.92, this cannot be said to be a valid adoption by the deceased, It is also important to see that the widow of employee had also applied for grant of compassionate appointment on 24.7.92 in favour of her son in law by stating categorically that she has no son and has only 2 daughters out of whom one is married and younger one is too young to take up appointment. All these documents are annexed with the C.A. thus I am satisfied that in view

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of the facts as explained by respondents no illegality can be found in the rejection letter as it is proved that deceased employee had not adopted Shri Jastender Singh, during his life time. It is also important to note that widow has nowhere applied for the appointment but she had stated even in 1992 that she has no son so this is a case of an after thought by applicant. He has not even filed a rejoinder to rebut the averments made by respondents who have clearly stated this is a case of cheating. Therefore, I am convinced there is no merit in the O.A. The same is accordingly dismissed with no order as to costs.



Member-J.

Manish/-