

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.588 OF 1994
ALLAHABAD THIS THE 25TH DAY OF NOVEMBER, 2002

HON'BLE MR. S. DAYAL, A.M.
HON'BLE MR. A.K. BHATNAGAR, J.M.

1. Smt. Bela Devi
widow of Late Shri Moti Lal,
2. Bachcha Lal
son of Late Shri Moti Lal,
both are resident of Village+Post Office-
Charwa, District-Allahabad. Applicant
(By Advocate Shri S. Dwivedi)

Versus

1. Union of India
through General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway,
Allahabad. Respondents
(By Advocate Shri V.K. Goel)

O R D E R

HON'BLE MR. S. DAYAL, MEMBER-A

This application has been filed for a direction to the respondents to appoint applicant no.2 on compassionate ground in place of his father.

2. The facts as narrated in the application are that one Shri Moti Lal died on 19.05.1989 who was working as High Skilled Fitter Grade-II. It is claimed by the applicant that he no.2 had been adopted by the deceased and his wife, before the death of Late Moti Lal but the registration of the adoption deed could not be done before the death of Late Moti Lal. The registration could done only on 19.06.1990. The case of the application was rejected by a non-speaking order.

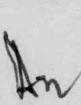
3. We have heard the arguments of Shri S. Dwivedi, counsel for the applicant. We find that relief no.8 (ii) seeks to

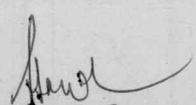
declare the sub-clause-(iii) of Railway Board's letter no. E(NG)II/86/RC-1-1/Policy dated 20.05.1988 as ultra vires as it was discriminatory as well as violative of law.

4. It is true, that the order of rejection of the applicant for compassionate appointment passed by the respondents on 24.10.1990 (Annexure CA-R-4) does not give any reasons for rejection.

5. The compassionate appointment is to be given to a dependent if he is ^{left + in} leaving/indigent circumstances. In the case before us the applicant no.1 sought appointment for her adopted son by letter dated 06.09.1990 which had been replied to by the respondents by their letter dated 24.10.1990. The applicant claims that he did not receive any reply from the respondents. However, the subsequent conduct of the applicant shows that he has no need of compassionate appointment because after making an application in 1990 the reminder was sent only in the year 1994.

6. The learned counsel for the applicant has stated that under personal law the adoption was completed at that time, and no registration was required to make it legal. We have considered this aspect also and we find that adoption deed is dated 1.06.1990 and the claim has been made in the said deed that the rights relating adoption were completed on 18.08.1977. We find that the representation dated 06.09.1990 for compassionate appointment of applicant no.2 was made by applicant no.1 after more than one year of the demise of her husband and there was no mention of the adoption of the applicant no.2 ^{in 1977} in the said application. Under the circumstances we find that the applicant is not entitled to the relief sought and dismissed the application as lacking on merits. No costs.


Member-J


Member-A

/Neelam/