

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLHABAD.

Allahabad this the 24th day of November 2000.

Original Application no. 306 of 1999.

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

Mohd Atiq Khan, adopted son of Late Sri Mohd. Yusuf,  
R/o House no. 694, Khanni Tal'a, Distt. Rai Bareilly.

... Applicant

C/A Shri A. Srivastava  
Shri B.N. Chaturvedi.

Versus

1. Union of India through G.M., N.R.,  
New Delhi.
2. Divisional Railway Manager, N. Rly.,  
Allahabad.
3. Senior Divisional Personnel Officer,  
N. Rly., Allahabad.
4. Divisional Personnel Officer, N. Rly.,  
Allahabad.

... Respondents

C/Rs. Shri A. Tripathi

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O R D E R (Oral)

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

By this OA under section 19 of the A.T. Act, 1985, the applicant has prayed for a direction to the respondents to give him appointment on compassionate ground on account of death of his a-adopted father in harness.

2. The facts giving rise to this OA are that Mohd. Yusuf was serving in Railways as <sup>u</sup>trallyman. He died on 19.12.95 living behind his widow Kamrul Nisha. The claim of the applicant is that late Mohd. Yusuf, during his life time adopted him as ~~son~~ <sup>son</sup> and ~~was~~ <sup>he</sup> executed a registered will and gifted his property in his favour. In <sup>his</sup> will, he has also recommended that after his death applicant may be given compassionate app<sup>o</sup>intment.

3. Shri A. Tripathi, learned counsel for the respondents has strongly opposed the relief claimed and has submitted that in Muslims ~~the~~ <sup>u</sup> adoption is not permissible. Hence, applicant cannot claim <sup>any</sup> ~~the~~ right. Learned counsel for the applicant, however, <sup>u</sup> placed before <sup>u</sup> the Tribunal the opinion dated 11.6.97, which shows that recommendations were made in <sup>u</sup> favour of the applicant on the ground that amongst Muslims also adoption <sup>u</sup> ~~is~~ <sup>can be done</sup>. However, it remains <sup>u</sup> fact that the question has not been decided finally by any authority of the Railways.

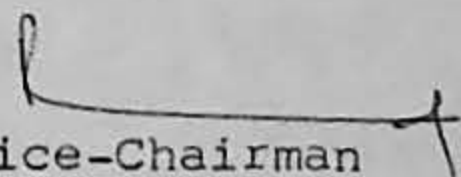
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4. In the circumstances in my opinion the ends of justice shall <sup>be</sup> better served, if General Manager, concerned <sup>is</sup> asked to decide the claim of the applicant by reasoned order within specified time in accordance with law.

5. The OA is accordingly disposed of finally with the direction to General Manager, N. Rly., New Delhi to decide the claim of the applicant for appointment on death of Shri Mohd. Yusuf, in accordance with law within a period of four months, from the date of communication of this order.

6. No order as to costs.

  
Vice-Chairman

/pc/