

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

Dated: Allahabad, the 21st day of March, 2001.

Coram: Hon'ble Mr. S. Dayal, A.M.

ORIGINAL APPLICATION NO. 1390 OF 2000

Mushafir Kushwaha,  
adopted son of late Sri Raj Mangal,  
r/o village- Chotaka Gaon (nwaka Tola),  
Post Bhatpar Rani, District Deoria.

. . . . . Applicant

(By Advocate Sri V.N. Yadav )

Versus

1. Union of India, through its Secretary,  
Ministry of Railway, New Delhi.
2. Divisional Railway Manager (Personnel),  
North Eastern Railway, Varanasi.
3. Divisional Financial Advisor/  
Divisional Chief Accounts Officer (Pension),  
North Eastern Railway, Varanasi.

. . . . . Respondents

(By Advocate Sri K.P. Singh )

O R D E R (ORAL)

(By Hon'ble Mr. S. Dayal, AM)

This Original Application has been filed for  
a direction to Respondent Nos.2 & 3 to provide Family  
Pension from 26.9.1998 till the permissible age  
provided under the law to the applicant, treating  
him as adopted son of his father late Sri Raj Mangal.


Contd...2

A further prayer has been made to quash the order dated 2.11.99, by which the Respondent No.2 has denied the validity of adoption deed.

2. The applicant has filed a copy of the alleged adoption-deed dated 31.12.76, by which the applicant who was the son of deceased employee's brother had been adopted by the deceased employee in 1976. The applicant has shown that in revenue record, the mutations have been made under orders of Naib Tehsildar dated 26.3.99 (Annexure No.5 to the O.A.) in the landed property of the deceased employee. In the Intermediate Certificate (Annexure No.6 to the O.A.), the applicant has been shown as Mushafir Kushwaha, s/o Raj Mangal Kushwaha.

3. On consideration of the claim of the applicant and after hearing the counsels, I come to the conclusion that the dispute is regarding the applicant being the legal heir and successor of the deceased employee. Such a matter does not fall within the purview of the Tribunal and the applicant should rightly go before the Civil Court for obtaining a certificate regarding his being legal heir and successor of the deceased employee of Raj Mangal. The Original Application is, therefore, dismissed as non-maintainable.

There shall be no order as to costs.

  
( S. DAYAL )  
MEMBER (A)

Nath/