

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1082 of 2002

Allahabad this the 27th day of July, 2004

Hon'ble Mr. Justice S.R. Singh, V.C.

Prabhat Mishra, Son of Shri Ram Niwas Mishra, resident of Dohariya Bazar, District Gorakhpur.

Applicant

By Advocate Shri N.L. Srivastava

Versus

1. Union of India through its Secretary, Ministry of Railways.
2. General Manager, North East Railway, Gorakhpur.
3. Chief Account Officer, North East Railway, Gorakhpur.

Respondents

By Advocate Shri D.S. Shukla

O R D E R (Oral)

The applicant's claim for compassionate appointment as adopted son of Ram Niwas Misra has been rejected vide impugned orders dated 12.02.1999 and 28/31.12.2001 on the ground that while the adoption deed is of 18.08.93 the parentage of the applicant in the High School Certificate of 1995 is entered as Shri Ram Ji Mishra. The submission made by learned counsel is that the natural father of the applicant was, no doubt, Shri Ram Jeet Mishra and in the school record his name continued although applicant was adopted by Ram Niwas Mishra way back on 18.08.1993 by means of a registered deed

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of adoption. It is further submitted by the counsel that by means of memo dated 20.10.1993 annexed as annexure R.A.-6, the department had recognized the applicant as adopted son of Ram Niwas Mishra who was employed under the respondents as Pravar Chaprasi, as C.T.R.D. In the circumstances, it is not disputed that an adoptee son is also recognized for the purpose of compassionate appointment as per Railway Board circular dated 20.05.1988 a copy of which has been annexed as annexure R.A.-1, the respondents ^{were} ~~are~~ not justified in rejecting the claim of the applicant merely on the ground that his parentage in High School Certificate continued to be that of his natural father ^{adoptive} instead of ~~adoptive~~ father. Adoption having been accomplished by means of registered ~~the~~ deed and having been recognised by the department, claim of the applicant for compassionate appointment ought not to have been ignored merely because the name of natural father of the applicant continued to be recorded in the High School Certificate in the year 1995.

2. In the circumstances, therefore, application deserves to be allowed. Accordingly, O.A. succeeds and is allowed. The impugned orders dated 12.02.1999 and 28/31.12.2001 are hereby quashed. The respondents are directed to consider the case of the applicant for compassionate appointment in accordance with law within a period of 4 months from the date of receipt of a copy of this order. No order as to costs.

Ranjan
Vice Chairman

/M.M./