

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, : CUTTACK.

ORIGINAL APPLICATION NO: 1 OF 1990.

Date of decision : 28th November, 1990.

Niranjan Mallick : Applicant

Versus

Union of India and others : Respondents

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For the applicant : M/s. S.K.Mohanty,
S.P.Mohanty,
Advocates.

For the Respondents : Mr. A.K.Misra, Sr.Standing
Counsel (C.A.T.).

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C O R A M:

THE HON'BLE MR. B.R.PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. N.SENGUPTA, MEMBER (JUDICIAL)

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1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the reporters or not ? *Ans*
3. Whether Their Lordships wish to see the judgment copy ? Yes.

JUDGMENT

N.SENGUPTA, MEMBER (J), The facts material in this case may be briefly stated thus. One Dhobi Mallick was working as Extra Departmental Mail Carrier) E.D.M.C. of Palasol in the District of Cuttack. He was ill and died on 19th February, 1987. The applied applied to the Postal Authorites for appointing him in the post of Dhobei Mallick on compassionate ground claiming himself to be the adopted son of the deceased. The Department turned down the request stating that no valid document of adoption was produced before them.

2. We have heard Mr. S.K.Mohanty, learned Counsel for the applicant and Mr. A.K.Misra, learned Senior Standing Counsel (Central) for the Respondents. Mr. Mohanty has drawn our attention to Annexures-4, 5 and 6. Annexure-4 is a residence certificate where the applicant has been described as the son of Dhobei Mallick. Annexure-5 is a legal heir certificate where the applicant has been certified to be a heir of Dhobei Mallick being the son of the said Dhobei and Annexure-6 is a transfer certificate issued by the Headmaster, Gopal Bidyapitha, Saramboo, Cuttack on 5.12.1986 where the father's name of the applicant has been mentioned as Dhobei Mallick. It has been submitted on behalf of the applicant that the applicant was working as a substitute during the illness of Dhobei Mallick as he was the son of the said Dhobei. We need not

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go into that question. From the document Annexed to the application and also from the Annexure- R/1 which is an affidavit purported to have been shown by Dhobei Mallick on 4.2.1987, we find that there are prima facie materials to say that the applicant was adopted by the said Dhobei. However, this is not an expression of opinion so far as the other rights are concerned. We therefore, direct the Department to consider the case of the applicant for appointment on compassionate ground. We are told by Mr. Misra that already a person has been appointed as Mail carrier of that post office. So the applicant, if there ~~are~~ ^{is} any vacancy or any post likely to be vacant in near future, is to be adjusted. The case of the applicant should therefore be considered for appointment in any other available vacancy.

3. The application is accordingly disposed of.

No costs.



Central Administrative Tribunal,
Cuttack Bench/K. Mohanty.