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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO; 197 OF 1994

Date of decision: June 24, 1994

Dillip Kumar Dey ... Applicant

Vs.

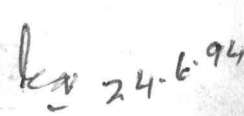
Union of India & Others ... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not?


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

24 JUN 94


(K. P. ACHARYA)
VICE CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACKBENCH:CUTTACK.

Original application No.197 of 1994

Date of decision: June 24, 1994

Dillip Kumar Dey	...	Applicant
	Vs.	
Union of India & Others	...	Respondents
For the Applicant	...	Mr. U.B.Mohapatra, Advocate
For the Respondents	...	Mr.

....

CORAM:

THE HONOURABLE MR. K.P. ACHARYA, VICE CHAIRMAN
AND
THE HONOURABLE MR. H.RAJENDRA PRASAD, MEMBER (ADMN.)

....

JUDGMENT

K.P.ACHARYA,V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to the Opposite Parties to appoint the petitioner to a post commensurate with his educational qualification on compassionate ground.

2. The Petitioner Shri Dillip Kumar Dey is said to be the adopted son of late Bishnu Bihari Dey and Smt. Sarasibala Dey. Smt. Sarasibala Dey was working as a mid-wife under the medical officer, South Eastern Railway, Khurda Road and during her service, she was declared medically unfit on 27.6.1987 and after taking retirement, Sarasibala applied to the Chief Personnel Officer, South Eastern Railway, Calcutta to give employment

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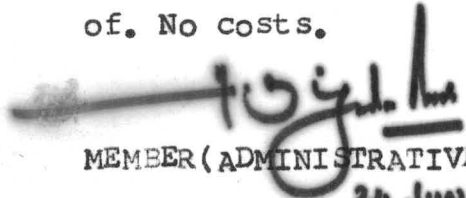
to her adopted son on compassionate ground. Prayer of Sarasibala did not yield any fruitful result. Hence this application ~~has been~~ filed with the aforesaid prayer.

3. When the case of the petitioner was considered, it was ordered by the Chief Personnel Officer that the party may be asked to have a declaration from the court as to his legal character i.e. adoption. Mr. U.B. Mohapatra argued this case on the question of admission, and placed before us a decree in title suit No. 104 of 1990 passed by the learned Munsif, Puri. The suit was decreed in terms of the compromise petition filed alongwith a petition to allow the parties to compromise the suit in terms of the conditions laid down in the compromise petition. The suit was instituted by the present petitioner against Sarasibala Dey, with a prayer to declare the plaintiff (present petitioner) adopted son of Defendant No. 1. The suit was disposed of in terms of the compromise petition in which Sarasibala ~~was~~ recognised as the adoptive mother of the present petitioner. Since there has been a declaration made by the court, it is for the Chief Personnel Officer to reconsider the matter. Therefore, it is directed that the Chief Personnel Officer may reconsider the matter and pass orders according to law keeping in view the decree passed by the learned Munsif Puri. Petitioner may file another representation alongwith the copy of the decree and the compromise petition before the Chief Personnel

for

Officer, Calcutta for his consideration and orders to be passed by him.

4. Thus, the application is accordingly disposed of. No costs.


MEMBER (ADMINISTRATIVE)

24 JUN 94


VICE CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty
24.6.94