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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 273 OF 1994

Cuttack, this the 9th day of March, 2000

Tikaram Tola and another

Applicants

Vrs.

Union of India and others

Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not?

Yes.

2. Whether it be circulated to all the Benches of the
Central Administrative Tribunal or not?

no

(G.NARASIMHAM)

MEMBER(JUDICIAL)

(SOMNATH SOM)

9.3.2000
VICE-CHAIRMAN

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CUTTACK BENCH, CUTTACK.

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CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

AND

HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

.....

1. Tikaram Tela, son of Purna Chandra Tela, Rayagada
2. Sakuntala Tela, w/o Purna Chandra Tela
Rayagada Applicants

Advocates for applicants - M/s A.K.Misra
S.K.Das
S.B.Jena
A.K.Guru
B.B.Acharya
J.Sengupta

Vrs.

1. Union of India, represented through General Manager,
S.E.Railway, Garden Reach, Calcutta-43.
2. Chief Personnel Officer, S.E.Railway, Garden Reach,
Calcutta-43.
3. Divisional Personnel Officer, Waltair, A.P.
..... Respondents

O R D E R

(ORAL)

SOMNATH SOM, VICE-CHAIRMAN

S. Som.

In this Application under Section 19 of Administrative Tribunals Act, 1985, the two petitioners, who are the son and widow of Purna Chandra Tela have prayed for compassionate appointment to be given to petitioner no.1.

2. The applicants' case is that Purna Chandra Tela was working as Gangman under P.W.I., Rayagada and he passed away on 4.9.1989. The deceased railway employee and applicant no.2 had adopted applicant no.1 who was born on 27.6.1972, 21 days after his birth and ^{he} had been brought up by deceased Railway employee and applicant no.2 as their son. The application for admission in the school and in the other school records the name of the deceased Railway employee Purna Chandra Tela has been shown as the father of the applicant. In the legal heir certificate issued by Revenue Officer, the two applicants have been shown as legal heirs of the deceased railway employee and applicant no.1 has been shown as the adopted son. An affidavit has also been filed by the natural parents of applicant no.1 testifying to the fact of adoption of applicant no.1 by the deceased Railway employee and applicant no.2. It is further mentioned by the applicants that notwithstanding the above, the prayer for compassionate appointment has been rejected in order dated 4.1.1994 at Annexure-6 on the ground that there is no registered adoption deed and there is no valid adoption. In the context of the above facts, the applicants have come up with the prayer referred to earlier.

3. Respondents in their counter have stated that the Railway Board in their order dated 20.5.1988 have laid down various conditions for granting employment assistance in respect of an adopted son or daughter, and in the case of the applicants these conditions have not been fulfilled. They have also stated that after the death of the railway employee all the settlement dues have been paid to the widow (applicant no.2) because in the service records no reference was made with regard to applicant no.1

being the son of the deceased Railway employee. On the above grounds the respondents have opposed the prayer of the applicant.

4. We have heard Shri Aswini Kumar Mishra, the learned counsel for the petitioner and Shri B.Pal, the learned Senior Panel Counsel (Railways) for the respondents and have also perused the records.

5. The learned counsel for the petitioner has submitted that the prayer for compassionate appointment was rejected on the sole ground that there is no valid registered deed of adoption. The learned counsel for the petitioner has submitted that the Hon'ble High Court of Andhra Pradesh have decided in the case of Sanagavarapu Venkata Subbaiah Sarma v. Karuthota Galib Saheb and others, 1997(4)ALT 274, that for adoption becoming valid, a registered deed of adoption is not necessary. In view of this, it is submitted by the learned counsel for the petitioner that the prayer for compassionate appointment should not have been rejected solely on the ground that there is no registered deed of adoption. We have considered the above submissions carefully. The departmental authorities have rejected the claim for compassionate appointment on the ground that no valid adoption has been proved. It is not open for this Tribunal to decide whether applicant no.1 has been lawfully adopted by applicant no.2 and the deceased railway employee. This is a matter to be decided by civil court. Moreover, for giving compassionate appointment to adopted son or daughter, the Railway Board have laid down certain conditions and these conditions must be fulfilled. It is also to be noted that notwithstanding the averment of the applicants that applicant no.1 was adopted sometimes in 1972 and the Railway employee, husband of applicant no.2

passed away in 1989, in the service records of the deceased railway employee the name of applicant no.1 is not there as his son. In view of this, we hold that the applicants have not been able to make out a case for the relief claimed by them.

6. In the result, therefore, the Original Application is held to be without any merit and the same is rejected. No costs.

(G.NARASIMHAM)

MEMBER(JUDICIAL)

(SOMNATH SOM)

9/3/2008
VICE-CHAIRMAN

AN/P!S