



CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUATTACK

ORIGINAL APPLICATION NO.644 OF 1998
Cuttack this the 20th day of June, 2002

R.Akkamma & another

.....

Applicants.

V e r s u s

Union of India & 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 Central Administrative Tribunal or not ? *No.*

Manoranjan Mohanty
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)
20/06/2002

CENTRAL ADMINISTRATIVE TRIBUNAL
CUATTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO.644 OF 1998
Cuttack this the 20 th day of June, 2002

CORAM:

THE HON'BLE SHRI MANORANJAN MOHANTY,

MEMBER (J)

.....

1. R. Akkamma, aged about 51 years,
wife of Late R. Rama Rao,
C/o. V.V. Rao, at present residing
at Rly. Qr. No.16/D, Retang Colony
Khurda Road, Jatni.
2. P. Appalla Naidu, aged about 26 years,
Son of R. Rama Rao,
C/o. V.V. Rao, at present residing
at Rly Qr. No.16/D, Retang Colony
Khurda Road, Jatni.

.....APPLICANT(S)

Represented by the Advocate

.....Mr. T. Rath

V e r s u s

Union of India represented through
the General Manager, S.E.Railways,
Garden Reach, Calcutta-43

2. D.R.M.P., S.E. Railway,
Nagpur.

..... RESPONDENT(S)

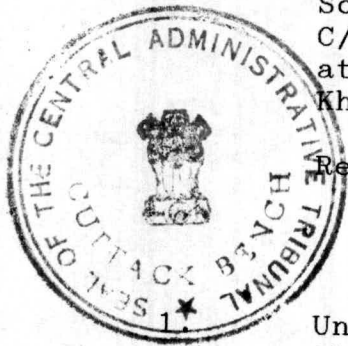
Represented by the Advocate

..... ..Mrs. R. Sikdar

O R D E R

MR.MANORANJAN MOHANTY (MEMBER) JUDICIAL: Heard Shri T. Rath,
the learned Counsel for the Applicant and Mrs. R. Sikdar,
learned Counsel for the Railways and perused the records.

2. In this case Applicant No.2 claiming to be the
adopted son of Applicant No.1 has filed this Original
Application seeking employment on compassionate grounds;
following the premature death of the husband of Applicant



No.1, who was serving under the Indian Railways. Under the instructions of the Railway Establishment Sl. No.141/88, issued on 7.6.1988, claimants under the Heading 'Adopted son/daughter' have got certain right to get employment as a measure of rehabilitation assistance, relevant portion of which is extracted below :-

"A question has been raised as to whether adopted sons/daughters are eligible to be considered for compassionate appointment. The matter has been considered and the Board have decided that an adopted son/adopted daughter will also be eligible to be considered for appointment on compassionate grounds (in circumstances in which such compassionate appointment is permissible) in case all the following conditions are satisfied :

i) There is satisfactory proof of adoption made validity and legally;

ii) The adoption in question is legally recognised under the personal law governing the railway servant and;

iii) The legal adoption process has been completed and has become valid before the date of death/medical decategorisation / medical incapacitation (as the case may be) of the ex-employee".



3. In order to get the benefit of the above Railway Establishment Serial No. dated 7.6.1988, Applicants have placed on record Annexure-1 to the Original Application, claiming the same to be a Deed of Adoption. This document under Annexure-1 shows that on the date of execution of the Deed, Applicant No.2 was about 19 years old and the document further shows that adoption, if any, was effected after the death of the husband of Applicant No.1. In fact no Deed of Adoption has been disclosed in the body of Annexure-1,

although the same , as has been alleged, was executed on 16.2.1991, which is much after the death of Applicant No.1's husband, i.e., on 13.5.1989 and therefore, it is urged by the learned counsel appearing on behalf of the Respondents that no benefit and/or employment assistance on compassionate ground can be provided to the Applicant No.2 on the strength of the said Adoption Deed. For the reason of the provisions of Rly. Estt. Sl. No.141/88 Dated 07.06.1988, in the Back-drop of the facts of this case, the case of the Applicant is hereby over-ruled and the objection of the Respondents is sustained; hereby.

4.Having faced with the abovesaid situation, the Advocate (for the Applicants) wants to take shelter under Establishment Circular No.63/90 dated 16.3.1990 and submits that the Applicant No.2 can be provided with a compassionate appointment as a very "near relative" of the Applicant No.1. The relevant portion of the Estt. Sl. No.63/90 Dated 16.03.1990 is extracted hereunder:

"In future the eligibility of a "near relative" for appointment on compassionate grounds will, therefore, be subject to the following conditions :-

(i) Such appointment is not permissible where the railway employee who has died in harness has left behind only the widow, with no son/daughter to be supported by her.

(ii) The son or daughter of the employee or ex-employee is a minor one and the widow cannot take up employment.



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(iii) A clear certificate should be forthcoming from the widow that the "near relative" will act as the bread-winner of the family".

5. Since Applicant No.1, the widow is the sole surviving family member of the deceased railway employee, Applicant No.2 cannot take the benefit of employment under Rehabilitation Assistance Scheme, as a near relative. As a result, this Original Application, being devoid of any merit, is dismissed; but in the circumstances, without any order as to costs.


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)
20/06/2002

K.B