

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 1.3.2001

This matter stands posted to this day for hearing and final disposal at the stage of admission. Heard Shri B.Rout, the learned counsel for the applicant and Shri B.K.Bal, learned counsel for the Respondents. Also perused the records.

Applicant, Dibakar Pradhan, claiming to be the adopted son of Ramachandra Pradhan, who died in harness on 21.11.1982, while serving under the respondents (Department) prays for appointment on compassionate grounds. Earlier, the applicant approached this Tribunal with very same prayer in O.A. No. 18/97. As the Department vehemently opposed the case of adoption, the Original Application was dismissed in order dated 17.12.1997.

The case of the applicant is that he thereafter preferred Title Suit No. 6/98 before the Civil Judge, Bhanjanagar and obtained a decree on 15.9.1989, with a declaration that he is the adopted son of Ramachandra Pradhan vide Annexure-8 (Certified copy of the decree).

Respondents (Department) vehemently opposed this Original Application ~~also~~ questioning the case of adoption.

It is seen, in the Title Suit the applicant had not impleaded the Respondents, who opposed this case of adoption before us in the earlier O.A. 18/97. He had not even impleaded the widow, who as defendant after the death of Ramachandra Pradhan had sworn an affidavit stating that late Pradhan died leaving behind herself and one daughter Pratima Pradhan, aged 17 years and that he has no other near relatives. Even this decree is also an *ex parte* decree. This being the position, the findings of the Civil Court that the applicant is the adopted son of Late Ramachandra Pradhan is not binding on the respondents. Hence, respondents are in no way bound to offer appointment on compassionate ground to the applicant. The O.A. is therefore, held to be without any merit and the same is dismissed, but without any order as to costs.

Free copies of
final order
1.1.3.2001 issued
to counsels for
both sides.

R.P.
S.C.B

29/3/01

1.3.2001
N. N. S.
VICE-CHAIRMAN

1.3.2001
MEMBER (JUDICIAL)