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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH; CUTTACK.

ORIGINAL APPLICATION NO. 105 OF 1999.  
Cuttack, this the 27th day of June, 2000.

NARAYAN DAS.

...

...

APPLICANT.

Vrs.

UNION OF INDIA & ORS.

...

...

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 *NE* Central Administrative Tribunal or not?

*Somnath Som*  
(SOMNATH SOM) *27.6.2000*  
VICE-CHAIRMAN

*G. Narasimham*  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 105 OF 1999.  
Cuttack, this the 27th day of June, 2000.

CORAM;

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN  
AND  
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL.).

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NARAYAN DAS,  
S/o. Gopinath Das,

...

Applicant.

By legal practitioner : M/s. S.K. Purohit, P.K. Sahoo,  
K.M. Niyamat, Advocates.

-VERSUS-

1. Union of India represented through its Secretary to Government of India, Ministry of Communication, New Delhi.
2. Director of posts, Dakatara Bhawan, New Delhi.
3. Chief Postmaster General, Orissa Circle, Bhubaneswar.
4. Superintendent of Post offices, Cuttack North Division, Cuttack-1.
5. Sub-postmaster, Kuanpal, Cuttack.

... Respondents.

By legal practitioner : Mr. J.K. Nayak, Additional Standing Counsel (Central).

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O R D E R

MR. G. NARASIMHAM, MEMBER (JUDICIAL) :

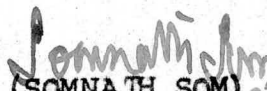
In this original Application praying for appointment under rehabilitation scheme, the case of the applicant is that he is the adopted son of Gopinath Das, who served as Departmental runner and retired on invalidation ground on 28.2.1986, the Circle Relaxation Committee disallowed his claim for appointment under rehabilitation scheme. Department in their counter dispute the case of adoption and also say that the retired employee was

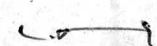
getting monthly pension of Rs. 404/- besides usual increase from time to time. He had also received a lump sum of Rs. 13000/- towards DCRG and GPF money. This apart he was also getting Rs. 3000/- per annum from landed property. These averments in the counter have also not been refuted through any rejoinder by the applicant.

2. We have heard Mr. K.M. Niyamat, learned counsel for the applicant and Mr. J.K. Nayak, learned Additional Standing Counsel appearing for the Respondents and have also perused the records.

3. So far as adoption is concerned, there is justifiable ground for the Department to dispute the same because Annexure-R/3 xerox copy of the adoption deed dated 12.7.85 is not clear at what age the applicant was adopted. But Annexure-R/4, the Panchayatnama Patra dated 30.5.1970, reveals that the alleged adoption took place when the applicant was 7 years old. Yet in the College Leaving Certificate, under Annexure-R/5, dated 9.7.1997, the name of the natural father has been mentioned and not the adopted father. So, the Department has the justifiable ground to doubt and dispute the adoption. Unless the applicant establishes his adoption through declaration from the competent court of law, the Department is not legally bound to accept the case of adoption.

4. For the reasons discussed above, we do not see any merit in this Original Application which is accordingly rejected. No costs.

  
(SOMNATH SOM)  
VICE-CHAIRMAN

  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)