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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.10 of 2010

Rajan Suna @ Sindur

.... Applicant

Versus

Union of India & Others

.... Respondents

1. Order dated: 06th October, 2010.

CORAM:

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER(A)

.....
The letter under Annexure-9 dated 24.08.2009 rejecting the prayer of the applicant for employment assistance on compassionate ground that the documents submitted by him in support of his claim that he is the adopted son of Smt. Rafi, who died on 19.6.2003 while working in the Railway as Safaiwala leaving her son and the applicant as sole legal heir is under challenge in this original Application filed U/s.19 of the A.T. Act, 1985 seeking to quash the said order of rejection and direct the Respondents to consider his case for appointment on compassionate ground.

2. By filing counter Respondents tried to substantiate the reasons given in the order of rejection under Annexure-A/9 *interalia* stating that as the applicant sought appointment on the basis of unregistered deed and unregistered deed is not acceptable in the eyes of Rule/law, there is no illegality in the order of rejection. On the above ground the Respondents have prayed for dismissal of this OA.

3. Applicant filed rejoinder enclosing there to several documents such as declaration form, nomination in GPF contribution etc. duly attested by the competent authority declaring the applicant as her son and stating that in view of

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the documents the rejection of his claim solely on the basis that the adoption was unregistered is not sustainable in the eyes of law.

4. Heard the rival submissions of the parties and perused the materials placed on record. It is seen from the record that by production of the succession certificate the applicant has received all the death cum retirement dues as the legal heir of Late Rafi. Mr. Ojha, Learned Standing Counsel for the Respondents though served with the rejoinder and got opportunity did not file any reply controverting the documents placed by the applicant through the rejoinder. The order of rejection does not disclose that the Respondents while rejecting the claim of the applicant have made any effort to verify the nomination of the name of the applicant by the deceased as her son in the service record. The nomination of the Applicant as the son of the deceased cannot be questioned at a belated stage that too after the death of the Government employee. Rules clearly provide for appointment on compassionate ground either to the son, daughter, ward or near relative of the Government servant after his/her death. In the above circumstances, viewed the matter from any angle I find no justifiable reason to sustain the grounds of rejection expressed in the letter under Annexure-9 by the Respondents. Hence, the said order of rejection under Annexure-9 is hereby quashed and the matter is remitted back to the Respondents for reconsideration of the case of the applicant, in the light of the entries in the service records of the deceased (copies produced by the applicant along with rejoinder), Rules and the observations made above. The reconsideration, directed above, shall be completed and result thereof intimated to the Applicant within a period of sixty days from the date of receipt of copy of this order.

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5. With the aforesaid observations and directions, this OA stands allowed. There shall be no order as to costs.


(C.R. Mohapatra)
Member (Admn.)

