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Date of Decision: 22.2.96.

OA 295/95

Radha Kishan

... Applicant

Versus

Union of India and others

... Respondents

CORAM:

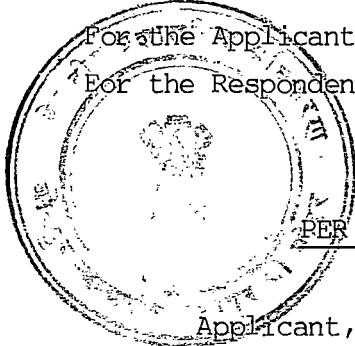
HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant

... Mr. Vijay Mehta

For the Respondents

... Mr. R.K. Soni



O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Radha Kishan, has filed this application u/s 19 of the Administrative Tribunals Act, 1985, for setting aside the letter, at Ann.A-1 dated 20.7.94, by which his request for grant of appointment on compassionate basis was turned down as also for a direction to the respondents to give appointment to him on compassionate grounds to a suitable job commensurate with his qualifications.

2. Heard the learned counsel for the applicant and the learned counsel for the respondents.

3. The case of the applicant is that he is an adopted son of Shri Bastia Ram, who died on 18.9.1978 while serving as a Gangman in Gang No.13 under the Permanent Way Inspector at Ratangarh. The contention of the applicant is that when he was five years old, he was taken in adoption by the deceased railway employee in the year 1972. It is also stated that the applicant is a member of a Scheduled Caste community and the widow of the deceased railway employee is dependent upon him. The claim of the applicant to appointment on compassionate considerations is based on his averment that he was legally adopted under the Personal Law. It is also stated that the respondents have arbitrarily rejected his request for compassionate appointment vide Ann.A-1. The applicant has relied on Marks-sheets Anns.A-2 and A-3 and a certificate at Ann.A-4, wherein his father's name is mentioned as Bastia Ram.


4. On the contrary, the respondents have stated that the widow of the deceased, Bastia Ram, has already stated categorically in her application for grant of compassionate appointment to the applicant, at Ann.R-1 dated 16.9.91, that she had given birth to two daughters and a

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son i.e. the applicant. In the statement given by the widow of the deceased, showing the details of the family for the purposes of Family Pension Scheme, 1964, it is stated that the deceased had left behind Smt. Mani (his widow), Smt. Lichhma and Smt. Nanoo (his daughters) and Smt. Nathi (his mother). There is no mention therein about any adopted son left behind by the deceased. It is also stated by the respondents that the applicant's case for grant of compassionate appointment was rightly rejected after a thorough examination.

5. It is noteworthy that the actual date, on which the applicant is alleged to have been taken in adoption by the deceased railway employee, has not been given. It is alleged that the applicant was taken in adoption by Bastia Ram in the year 1972 and at that time the applicant was about five years old. The applicant had attained majority in the year 1986. However, no application for grant of appointment on compassionate basis was moved by him prior to 16.9.91. The Deed of Adoption, as stated by the counsel for the applicant, was registered on 22.1.93, a long time after the death of the deceased Bastia Ram. The widow of the deceased has categorically stated in the application for grant of compassionate appointment, Ann.R-1 dated 16.9.91, that she had given birth to a son also. In the statement, showing the details of the family, dated 22.10.78, at Ann.R-3, the widow of the deceased did not mention that the deceased had any adopted son at all. In these circumstances, it is difficult to believe that the applicant is an adopted son of the deceased railway employee. For nearly 17 years the family has pulled on apparently without any difficulty. There appears to be no substance in this application.

6. In the result, this application is dismissed with no order as to costs.


(Gopal Krishna)
Vice Chairman

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Part II and III destroyed
in my presence 31/5/02
under the supervision of
section officer as per
order dated 19/3/02

Section officer (Record)

[Signature]