

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: MUMBAT

OA No. 257/2001

Mumbai this the 7th day of June, 2001.

Hon'ble Mr. Shanker Raju, Member (Judicial)

Sh. Ramesh Ramprasad Yadav,
Adopte s/o late Sitladevi,
Ramsundar Yada,
R/o Room No.62 1/8,
Shankar Elappa Chawl, Keshav Pada,
P.K. Road, Mulund (West),
Mumbai-400 080 ..Applicant

(By Advocate Shri K.R. Yelwe)

...VERSUS...

1. The Union of India,
through the Chief General Manager,
O/o Mahanagar Telephone Nigam Ltd.
Telephone House, Prabhadevi, Dadar (W),
Mumbai-400 038.
 2. The General Manager,
O/o the Chief General Manager,
Mahanagar Telephone Nigam Ltd.,
Telephone House, Prabhadevi, Dadar (W),
Mumbai.
 3. The Asstt. Director (Recrtt. & Admin),
O/o The Chief General Manager,
Mahanagar Telephone Nigam Ltd.,
Telephone House, Prabhadevi, Dadar (W),
Mumbai. Respondents

(By Advocate Shri S.S. Karkera)

O R D E R (ORAL)

Heard the learned counsel for the parties. In the present OA the respondents' counsel has sought time to file reply. In my view this OA can be disposed of on the basis of the decision of this Tribunal in G.Bhuvaneswari v. Union of India & Others, 1991 (18) ATC 788 even without the reply of the respondents, as at the outset the respondents contention is that an adopted child is not entitled to appointment as per the guidelines on compassionate grounds which is contrary to Govt. of India, Ministry of Home Affairs OM No.1401146/86/Estt.(D) dated 30.6.87. Apart from

it I am remanding this case for consideration of the respondents regarding appointment on compassionate grounds to the applicant after verifying the documents pertaining to his adoption by the deceased Govt. servant. The applicant in this OA has assailed an order passed by the respondents on 18.4.2000 as well as on 4.10.2000, whereby the request of the adopted son of the deceased Government servant has been rejected for compassionate appointment on the ground that being an adopted son he is not entitled for grant of compassionate appointment. It is also stated in this order that as there is no provision for granting compassionate appointment to an adopted son the case of the applicant does not fall within the guidelines issued by the Government in this regard. I find at Annexure 'C' judgment of a coordinate Bench of the Tribunal whereby it has been held that judicial review in the matter of compassionate appointment is permissible if the request of an applicant for compassionate appointment has been rejected without indicating reasons or it is not proper. It is also held in this case that an adopted son/ward of a deceased employee is not entitled for consideration for compassionate appointment in the event a proof of the same is produced and the need for a registered deed of adoption is not necessary. I find from the record that the applicant had annexed an adoption deed pertaining to the applicant which was not taken into consideration by the respondents. In this view of the matter and keeping in view the ratio laid down in G. Bhuvaneswari's case (supra), I dispose of this OA at the admission stage itself by issuing direction to the respondents to re-consider the case of the applicant for grant of compassionate appointment by taking into consideration the documents produced by him with regard to his adoption and also keeping in view the ratio laid down by

the Tribunal in Bhuvaneswari's case (supra). The respondents are further directed to pass a reasoned order thereafter and this exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs.

S. Raju

(Shanker Raju)
Member (J)

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