

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 80 /1997

Date of Decision: 28.11.1997

Ms. Nafisa D/o. Akber Khan, Petitioner/s

Shri V. C. Bhaya, Advocate for the Petitioner/s

V/s.

Union Of India & Another, Respondent/s

Shri V. S. Masurkar, Advocate for the Respondent/s

CORAM:

Hon'ble Shri B. S. Hegde,

~~XXXXXX XXXXX~~

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal ?


(B. S. HEGDE)
MEMBER (J).

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 80/97.

Dated this Friday, the 28th day of November, 1997.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

Nafisa d/o. Akber Khan,
adopted daughter of
Shri Akber Khan Gulab Khan,
Ex. Shunter, LF/NDB, the
deceased railway employee.

C/o. V. C. Bhaya, Advocate,
Chandan Mahal, R.No. 31,
11th Rd., Santacruz (E),
Mumbai - 400 055.

(By Advocate Shri V. C. Bhaya)

... Applicant

1. Union Of India through
The General Manager,
Western Railway, H.Q. Office,
Churchgate, Mumbai - 400 020.

2. Divisional Rly. Manager,
Western Railway, Divn. Office,
Mumbai Central,
Mumbai - 400 008.

... Respondents.

: O R A L O R D E R :

(PER.: SHRI B. S. HEGDE, MEMBER (J))

Heard Shri V. C. Bhaya for the applicant and
Shri V. S. Masurkar for the respondents.

2. The present O.A. relates to compassionate
appointment. The applicant states that she is the adopted
daughter of late Shri Akber Khan Gulab Khan,
who was the employee of the respondents department and
died while in service on 10.06.1992. The Counsel for the
applicant states that the applicant has been adopted by
the deceased employee on 06.02.1992 and in this connection,
the Adoption Deed has been drawn on 24.04.1992 treating

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the applicant as the adopted daughter and that she was staying with the deceased employee right from the beginning. The applicant made a representation to the Competent Authority for compassionate appointment, which has been rejected by the respondents on 20.04.1994 stating that since the deceased employee was a bachelor and expired on 10.06.1992 and the adoption deed was executed on 24.04.1992, and that the concept of adoption is not allowed as per Muslim personal law and is not recognised by the personal law governing the Railway Servant, the request of the applicant for compassionate appointment cannot be acceded to.

3. It is not the case of the Counsel for the applicant that at the time of the death of the deceased employee the applicant was a minor and that she attained majority at a latter date. No efforts were made by the applicant to seek compassionate appointment immediately after the death of her father. She made a representation in the year 1994 and filed the present O.A. after a lapse of two years. Apart from delay in filing the O.A., the purpose of granting compassionate appointment is to mitigate immediate circumstances of the family members.

4. In the instant case, the adoption deed has not been recognised by the respondents department, to which no answer has been given by the applicant. Apart from delay in filing the O.A., the applicant has not made out any ground for my interference in the order passed by the respondents. In the facts and circumstances of the case, I do not find any merit in the O.A. and the same is dismissed after hearing both the parties.

No costs.


(B.S. HEGDE)
MEMBER (J).