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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.309/93

Date of Order: 25.2.1994

BETWEEN:

1. Smt. D.Mariamamma
2. D.Suvarna Raju

.. Applicants.

A N D

1. Union of India, rep. by  
General Manager,  
S.C.Railway, Rail Nilayam,  
Secunderabad.
2. Divisional Railway Manager,  
S.C.Railway, Vijayawada.
3. Senior Divisional Personnel  
Officer, S.C.Railway,  
Vijayawada.

.. Respondents.

Counsel for the Applicants

.. Mr.T.Lakshminarayana

Counsel for the Respondents

.. Mr.J.R.Gopal Rao

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CORAM:

HON'BLE SHRI A.B.GORTHI ; MEMBER (ADMN.)

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O.A.No.309/93

Dt. of decision: 25-2-1994.

Judgement

( As per the Hon'ble Sri A.B. Gorthi, Member, Admn. )

Applicant No.1 is the widow of late D. Chakrapani who was discharged from Railway Service on medical grounds on 13-2-1984. He died on 2-10-87. Initially applicant No.1 approached the authorities concerned requesting for appointment on compassionate grounds. She was called for selection but was found medically unfit. Thereafter she requested the authorities to give appointment on compassionate grounds to her adopted son (applicant No.2). Her request was rejected on the ground that the adoption of applicant No.2 did not seem to be in order as at the time of adoption his age was 16 years. She was, therefore, advised to approach a competent court of law and obtain

the decree of the Principal District Munsiff, Kavali in O.S.No.44/1991 which is at Annexure-VII to O.A. Even applicant No.1 for giving appointment to applicant No.2 and this was done vide Memo. dt.7-1-1992 without assigning

2. The respondents refused the claim of the applicant on the ground that applicant No.2 could not be said to be the legally adopted son of late D. Chakrapani.

3. We have heard learned counsel for both the parties. Mr. T. Lakshminarayana, learned counsel for the applicants has shown us an invitation card dt.10-6-83 which is to the effect that late D. Chakrapani and his wife, D. Mariamma were to adopt P. Suyarnaraju on 26-6-1983 at 10.30 a.m. He has also shown us a third party affidavit from P. Alexander to the effect that he attended and witnessed

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the adoption ceremony. There is also an adoption deed <sup>been</sup> ~~is~~ purporting to have signed by the Late D. Chakrapani and applicant No.1. With the help of all these documents and taking support from the decree of the Principal District Munsiff, Kavali, the learned counsel for the applicants <sup>ed</sup> ~~contending~~ that there should be no doubt as regards the factum or the validity of the adoption of applicant No.2 by late D. Chakrapani. On the other hand, Sri J. R. Gopal Rao learned counsel for the respondents has drawn my attention to certain service documents signed by late Chakrapani himself which ~~show~~ <sup>he</sup> that at the time of his discharge from service, <sup>he</sup> ~~he~~ nominated his wife Mariamma to receive payment that in the event of his nominee predeceasing him, the amount should be paid to his daughter Smt. D. Annamma wife of D. Kutumba Rao. Further, in a letter dt.1-2-85 addressed to the Divisional Railway Manager, S.C.Railway, Vijayawada, give appointment to his daughter, Mrs. D. Annamma. In that letter had further stated that his daughter was "the <sup>been</sup> ~~on this~~ scholastic certificate issued in respect of applicant No.2 by the State Board of Technical Education and Training wherein the name of the father of applicant No.2 <sup>was</sup> ~~were~~ shown as P. Prasada Rao and not that of the adopted father, late D. Chakrapani.

4. We have heard learned counsel for both the parties at length. The applicant's counsel urged before us that <sup>he was</sup> ~~he had~~ <sup>was</sup> ~~been~~ to establish the fact that applicant No.2 was the adopted son of late D. Chakrapani and applicant No.1. He also assailed

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To

1. The General Manager, Union of India,  
S.C.Rly, Railnilayam, Secunderabad.
2. The Divisional Railway Manager, S.C.Rly, vijayawada.
3. The Senior Divisional Personnel Officer,  
S.C.Rly, vijayawada.
4. One copy to Mr.T.Lakshminarayana, Advocate, CAT.Hyd.
5. One copy to Mr.J.R.Gopal Rao, SC for Rlys, CAT.Hyd.
6. One copy to ~~Library~~ CAT.Hyd.

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*Handwritten notes:*  
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the manner in which the respondents initially objected to the <sup>validity of</sup> adoption on the single ground that applicant No.2 was 16 years at the time of adoption, and the manner in which they subsequently rejected the request of the applicants without even giving reasons for such rejection. He therefore objected to the respondents bringing out various other factors such as religion of the applicants.

5. A careful scrutiny of FORM No.6, "Statement showing the details of the members of the family for the purpose of Family Pension Scheme, 1964" (Annexure-R1 in the counter), and FORM No.1, "Nomination for Ordinary gratuity/Death-cum-retirement gratuity", both signed by late D. Chakrapani at the time of discharge <sup>from</sup> <sup>and make it abundantly clear that he had no son, adopted or otherwise</sup> at the time of his death. This view gets further strengthened from the letter which <sup>was</sup> <sup>to DRM</sup> on 1-2-1985, i.e. after he discharged from service. In <sup>which</sup> compassionate appointment to his married daughter, D. Annamma, he categorically <sup>stated</sup> that <sup>she</sup> ~~he~~ was only the person looking his family. There was also a categorical statement in that letter that he had only one daughter and wife and that there was no other kith and kin to look after him.

There is sufficient material on record to justify the respondents' decision to refuse compassionate appointment to applicant No.2. In view of this, I am unable to accept the plea of the applicants for a direction to <sup>grant</sup> appointment on compassionate ground to applicant No.2. The application is therefore dismissed without any order as to costs. As the OA is not allowed, M.A.No.3799/92 is rejected.

( A.B. Gorchi )  
Member (Adm.)

Dt. 25-2-1994  
Open Court dictation

kmv

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Deputy Registrar (S)

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (C.A.)

THE HON'BLE MR. T. CHANDRASEKHAR REDDY  
MEMBER (JUDL)

AND

THE HON'BLE MR. S. S. N. : MEMBER  
(ADMN)

Dated: 25-2-1994.

ORDER/JUDGMENT:

M.A./R.A/C.A. No.

in  
O.A.No. 309/93  
T.A.No. (W.P.No. )

Admitted and Interim Directions  
issued.

Allowed.

Disposed of with

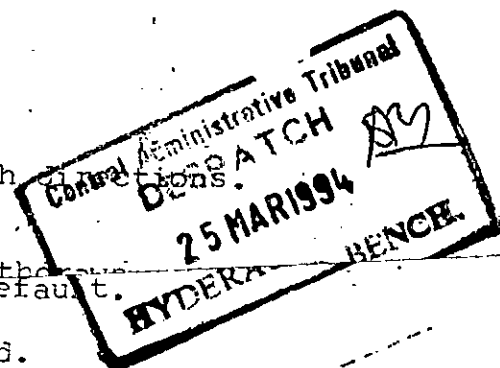
Dismissed.

Dismissed as withdrawn  
or for default.

Rejected/Ordered.

No order as to costs.

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