

(638)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.309/93

Date of Orders: 25.2.1994

BETWEEN :

1. Smt. D.Mariamma  
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.)

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 surety affidavit from P. Alexander to the effect that he attended and witnessed

the adoption ceremony. There is also an adoption deed <sup>been</sup> purporting to have <sup>been</sup> 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>and</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 that at the time of his discharge from service, <sup>he</sup> 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> <sup>1</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> shown as P. Prasada Rao and not that of the adopted father, late D. Chakrapani.

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

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.

pvM

*4/11/10  
RJ:374*

the manner in which the respondents initially objected  
to the 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 appli-  
cants 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, ~~from~~ makes it abun-  
dantly clear that he had no son, adopted or otherwise  
at the time of his death. This view gets further strength-  
ened from the letter which ~~was~~ <sup>was</sup> sent to DPM  
on 1-2-1985, i.e. after he ~~discharged~~ <sup>was</sup> from service. In  
this letter ~~he~~ <sup>she</sup> ~~was~~ <sup>had</sup> ~~his~~ <sup>her</sup> compassionate appointment to  
his married daughter, D. Annamma, he categorically ~~said~~  
that ~~he~~ <sup>she</sup> 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 ~~compe-~~  
appointment to applicant No.2. In view of this, I am  
unable to accept the plea of the applicants for a direction  
to the respondents to give the 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. Goraihi )  
Member (Adm.)

Dt. 25-2-1994  
Open Court dictation

kmv

163<sup>rd</sup>  
Deputy Registrar (J)

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. GORTHI : MEMBER

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

AND ----- : 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. )

Ordered and Interim Directions  
issued.

Allowed.

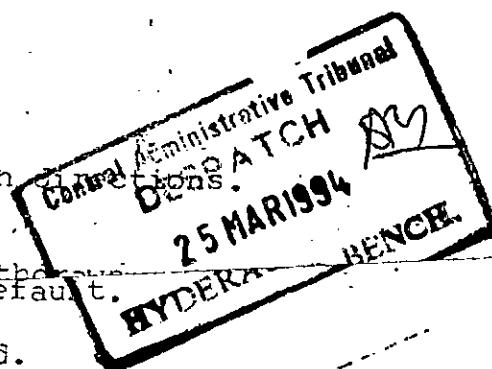
Disposed of with

Dismissed.

Dismissed as withdrawn  
for default.

Rejected/Ordered.

No order as to costs.



pvm