

72 (84)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
AT HYDERABAD.

O.A.NO.628 of 1994.

Between

Dated: 8.11.1995.

G.Suryavathi

... Applicant

And

Union of India Rep by:-

1. General Manager, S.E.Railway, Garden Reach, Calcutta.
2. Divisional Railway Manager, S.E.Railway, Visakhapatnam.

... Respondents

Counsel for the Applicant : Sri. Y.Subrahmanyam

Counsel for the Respondents : Sri. C.V.Malla Reddy, SC for Railways.

CORAM:

Hon'ble Mr. A.B.Gorthi, Administrative Member

Contd.

O.A. 628/94.

Dt. of Decision : 08-11-95.

ORDER

As per Hon'ble Shri A.B. Gerthi, Member (Admn.)

The applicant is the widow of Late Sri G.Suryanarayana who died on 18-02-1993 while working as a Machinist Grade-II under the respondents. The prayer of the applicant is for a direction to the respondents to provide employment assistance to her adopted son, Shri G.Chiranjeevi on compassionate grounds.

2. The respondents refute the claim of the applicant on the ground that the adoption, if any, appeared to have taken place after the death of the employee. The respondents were not satisfied with the deed of adoption as it was not registered and as it was only a sworn affidavit. In the counter affidavit also the respondents have taken the stand that Shri G.Chiranjeevi is not legally adopted son of late employee. It was further stated in the counter affidavit that the applicant received an amount of Rs. 72,985/- as pensionary benefits and that she is receiving a monthly pension of Rs. 705/-.

3. On the question whether the adoption of Shri G.Chiranjeevi is valid or not, I have heard learned counsel for both the parties at considerable length. The relevant record from the department also has been called for and perused by me. I find that in one of the declarations made by the employee himself in 1983 for the purpose of obtaining pass and PTs, it was stated that he had an adopted son aged 18 years. Further, I find that after the death of the employee, independent enquiries were made from the co-workers and it was found that the employee left behind not only his widow but also a son name G.Chiranjeevi.

Accordingly, the competent authority vide his order dated 14-09-93 sanctioned payment of D.C.R.G. to both the widow of the applicant and also to the son (Chiranjeevi) in equal shares.

4. In view of the afore-stated, it would not be appropriate for the respondents now to reject the claim of the applicant for appointment of <sup>her</sup> adopted son, merely on the ground that the adoption does not appear to be either genuine or legally valid. The respondents are therefore required to consider the request of the applicant for giving appointment to her adopted son on compassionate grounds. of course take into consideration on merits of the case in deciding the request of the applicant. In other words, the request of the applicant will not be rejected, merely on the ground that the adoption of Shri G.Chiranjeevi is not legally valid.

5. The OA is ordered accordingly. No costs.

(A.B. Gorthi)  
Member(Admn.)

Dated : The 8th Nov. 1995.  
(Dictated in Open Court)

Deputy Registrar(Ju)

Copy to:-

1. General Manager, S.E.Railway, Union of India, Garden Reach, Calcutta.
2. Divisional Railway Manager, S.E.Railway, Visakhapatnam.
3. One copy to Sri. Y.Subrahmanyam, advocate, H.No.45-58-7, Narasimhanagar, BPO Salagramapuram, Visakhapatnam.
- spr 4. One copy to Sri. C.V.Malla Reddy, SC for Rlys, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

(87)  
TYPED BY  
COMPARED BY

MA 62044  
CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.B. GORTHI, ADMINISTRATIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: 8.11.95 1995.

M.A./R.A./C.A.NO.

IN-

O.A.NO.

62044

T.A.NO.

(W.P.NO.)

ADMITTED AND INTERIM DIRECTIONS ISSUED.

ALLOWED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

\*\*\*

Rsm/-

No spare copy

6  
Central Administrative Tribunal  
DESPATCH  
16 NOV 1995  
HYDERABAD BENCH