

(60)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.819 of 1995

DATE OF JUDGEMENT: 9th September, 1996

BETWEEN:

B.V.SRINIVAS

.. Applicant

and

1. The Divisional Manager,
South Eastern Railway,
Visakhapatnam,
2. The Senior Divisional Manager,
South Eastern Railway,
Visakhapatnam,
3. The Chief Project Manager,
S.E.Railway, Visakhapatnam,
4. The Dy.Chief Electrical Engineer (CON),
S.E.Railway, Waltair,
Visakhapatnam. .. Respondents

COUNSEL FOR THE APPLICANT: SHRI K.VASUDEVA REDDY

COUNSEL FOR THE RESPONDENTS: SHRI N.R.DEVARAJ, Sr.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGEMENT

(ORAL ORDER PER HON'BLE SHRI R.RANGARAJAN, MEMBER(ADMN.))

Heard Shri K.Vasudeva Reddy, learned counsel for
the applicant and Shri Satyanarayana for Shri N.R. Devaraj,
learned standing counsel for the respondents.

2. The applicant is reported to be the adopted son of
one Shri B.V.Jagannadha Rao, a Grade-III Fitter who worked



under R-4. He died while in service on 19.12.93 leaving behind his widow and the applicant who is said to be his adopted son. The applicant filed a representation for considering his case for compassionate ground appointment by his representation dated 9.5.94. That representation was rejected on the ground that there were no legally valid documents submitted regarding adoption and there were contradictions in the certificates produced by him.

3. Aggrieved by the above, he has filed this OA for setting aside the impugned order No.WPT/5/EA/Comp/30/95 dated 17.5.95 (at page 26 of the OA) and for consequential direction to consider his case for appointment on compassionate ground.

4. The main contention of the applicant for granting him compassionate ground appointment are as follows:-

(i) He has filed Adoption Deed signed by the real father of the applicant dated 19.5.80 (Page 14 of the OA). An affidavit was also filed by the deceased employee to the effect that the applicant herein is his adopted son (Page 15 of the OA). He has also produced a ration card wherein the applicant's name finds a place as son of the deceased. The deceased employee's name is shown as father of the applicant herein in the voters' list. The applicant had been issued with a privilege pass on the basis that he has been deemed to be his adopted son on the basis of the affidavit filed by the deceased employee. A legal heir

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certificate signed by M.R.O, Visakhapatnam has also been produced as an evidence to prove the authenticity of the fact that he is the adopted son of the deceased employee.

5. In view of the above documents, the learned counsel for the applicant states that no further valid documents are required to establish the fact that the applicant herein is the adopted son of the deceased employee Shri B.V.Jagannadha Rao.

6. There is no rule produced to show that the real father if he files an affidavit is sufficient to treat it as Adoption Deed. However it is for the applicant to produce that rule before the proper authority to come to that conclusion. Further the affidavit of the deceased employee at Page 15 cannot be taken as a valid legal document to come to the conclusion that the applicant is the adopted son of the deceased. The ration card and the entry in the voters' list cannot conclusively prove the relationship between the applicant and the deceased employee. The learned standing counsel for the respondents has also brought to my notice that the ration card was issued in 1994, after the death of Shri B.V.Jagannadha Rao. If that ration card is to be taken as an authentic document, then it should not contain the name of the deceased employee as he had expired earlier to that date. Hence this document cannot conclusively prove the contention of the applicant, submits the learned standing counsel for the respondents. I do not consider the voters'

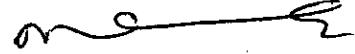


list as an authentic document to prove the relationship.

7. The respondents in their reply in Para (h) have stated that the signature of the deceased employee does not tally with the signature in the adoption deed and hence the documents are questionable. The respondents further state that free passes are issued in accordance with the declaration submitted by an employee and on that basis the passes are issued. Even in his declaration for passes, the age indicated is different from the age of the applicant indicated in the Adoption Deed. As there is no rejoinder to these averments, it is not possible ~~to~~ to say that these of the respondents averments^{orally} are incorrect. Though the applicant submits^{that} they are not correct, such averments cannot sustain his case unless reliable documents are produced along with the rejoinder.

8. Under the above circumstances, I am of the opinion that the applicant has not made out any case for sustaining his contentions. However, his request for compassionate ground appointment has been rejected on the sole ground of non submission of a legally valid document regarding adoption and contradictions in the certificate produced by them. Hence it is for the applicant now to produce valid documents to convince the respondents in regard to the relationship of the applicant with that of the deceased employee. If such document is received, the same should be considered in accordance with law even though this application is dismissed.

9. In the result, the application is dismissed. But this dismissal will not stand in the way of the applicant to produce ~~any~~ valid document/s to convince his relationship with the deceased employee and if such a document is received, the respondent may take a judicious decision in accordance with law.


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 9th September, 1996
Open court dictation.


D.Y. Registrar (S)

vsn

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OA.819/95.

Copy to:-

1. The Divisional Manager, South Eastern Railway, Visakhapatnam.
2. The Senior Divisional Manager, South Eastern Railway, Visakhapatnam.
3. The Chief Project Manager, S.E.Railway, Visakhapatnam.
4. The Dy. Chief Electrical Engineer(Con), S.E.Rly, Waltair, Visakhapatnam.
5. One copy to Sri. K.Vasudeva Reddy, advocate, CAT, Hyd.
6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

Oct/10/96

OA 819/96

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED:

9/9/96

ORDER/JUDGEMENT
R.A./C.P./M.A. NO.

O.A. NO.

819/95

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

DISPOSED/REJECTED

NO ORDER AS TO COSTS.

YLR

II COURT

No Spare Copy

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

DESPATCH/DESPATCH

30 SEP 1996

हैदराबाद व्यायामीठ
HYDERABAD BENCH