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and

- Counsel for the respondents: Sri N.V.Raghava Reddy.

(by Hon'ble Sri H. Rajendra Prasad, Member (A))

The applicant herein was a candidate for appointment as EDMC/EDDA) on compassionate grounds. He is aggrieved by the decision of Respondent No.2, conveyed in letter N .B2/RE/Relax/PE dated 23.12.1996 issued by Respondent No.1, rejecting his candidature for regular appointment on compassionate grounds in the place of one whom he claims to have been his adopted father.

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The applicant states that he is the adopted son of one P.Raghavulu, EDMC/EDA Kopperapalem EDBO. The said Raghavulu passed away on 3-6-1995 and the applicant was therefore appointed provisionally because he was the adopted son of the deceased employee as certified on 20-6-1995 by the Village Administrative Officer. According to his version the adoption took place when he was only 12 years of age in 1968. On the demise of the said Raghavulu the applicant was paid the amount granted by way of financial assistance from the Welfare Fund, relief from AP Circle Postal Relief Fund, and Ex-gratia as also the Bonus due to the deceased employee. It is stated by him, that, apart from the Village Administrative Officer, the Principal District Munsiff, Addanki, had also issued a succession certificate, confirming therein his reported adoption by Raghavulu. It is also stated that his adopted mother who later separated from her husband i.e., the adopted father of the applicant, and re-married has given a no objection to the applicant's appointment.

The Respondents have rejected the claim of the applicant on the ground that even though his adoption is claimed to have been made as long back as 1968, the caste certificate issued by the MRO, the transfer certificated issued by the Principal of Junior College, and SS certificate issued in May, 1991, July, 1977 and July, 1975, respectively, showed only his natural father's name as his father and

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in none of the documents the name of his supposed adopted father was ever mentioned. This gives rise to a doubt in the mind of the authorities that the so-called adoption could have been nothing more than a piece of untruth. The applicant submits that this is not a fair conclusion. If the name of his natural father was not altered in the documents, it was only due to inaction on his and adopted father's part and does not detract from the basic fact of adoption which could be verified from other sources.

There is of course no legal document to prove the adoption. The Respondents have also given an additional reason that the succession certificate issued by the Principal District Munsif was only for the settlement of financial claims and it was possible that the case may not have been contested which led to the routine grant of the said certificate. This certificate by itself could not therefore be taken as a positive proof of adoption.

Asked to explain how in the absence of any legal documents to prove it how could an adoption be taken as a fact, Mr.K.Venkateswara Rao, the learned counsel for the applicant, forcefully submitted that in the countryside of this region every adoption may not culminate in or be accompanied by the execution of legal documents and such adoptions have to be taken as true and correct as long as it is generally accepted by respectable persons in the

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village and vouched by the community as having duly taken place.

The scope of controversy in this case is very narrow. Quite apart from what might have been indicated in the caste certificate or SS Certificate, the fact as to whether or not the applicant had indeed been adopted by late Raghavulu could easily be proved or disproved by making pointed enquiries. Unless this is done, any summary rejection of his claim for the reasons stated by the respondents would amount to unintended unfairness. Although it is not incumbent upon the departmental authorities to conduct such an enquiry, and it is primarily for the applicant to establish his case by proper proof, in the present case it would be necessary in the interests of justice that certain authentic enquiries (even if limited) be made to establish; or to disprove, the claim of the applicant in this regard. Notwithstanding what may or may not be stated in a particular document, this fact could be easily established by making meaningful enquiries in the village. There are several easy ways for arriving at reliable and valid conclusions in this regard. This Tribunal strongly feels that it should be done.

It is, therefore, directed that respondent No.1 may have the claim of applicant's adoption by late Raghavulu and his former spouse verified by causing necessary enquiries to be made in this regard. If it is eventually proved to the

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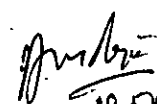
satisfaction of the authorities that an adoption did indeed take place notwithstanding the absence of any documentary evidence in this regard, then the case of the applicant would require a review. Such an enquiry could commence within one month and should be completed within two months from the date of receipt of a copy of this order and a final decision with regard to the applicant's claim for compassionate appointment could be taken if found necessary, within two months thereafter. If it is eventually decided on the basis of such an enquiry to review the claim of the applicant he should be considered for a suitable post in Kopperapalem EDBO where late P.Raghavulu was working. In such a situation D.Poulu who has been accommodated in Kopperapalem BO could be shifted to any other B.O., in the Sub Division or Division. Alternatively, the applicant could be considered for any existing vacancy or one which might arise next for such an appointment. The decision is left entirely to the respondents depending on administrative feasibility. If, however, the enquiries do not establish the fact of applicant's adoption by late Raghavulu and his

(since estranged) wife, no further action needs to be taken except to apprise the applicant of the outcome of the enquiry.

Thus the O.A., is disposed of. No costs.

  
H. RAJENDRA PRASAD,  
Member (A)

Date: 19 MAY 94

  
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O.A. 591/97

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10/6/98

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE

VICE-CHAIRMAN  
AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 19-5-1998.

~~ORDER~~/JUDGMENT

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

in

O.A.No. 591/97.

T.A.No. (w.p. )

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

