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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA no. 716/93 and
MA no. 654/93

: Date of order 22.11.94

Banay Singh

: Applicant

V/s

Union of India & Another : Respondents

Mr. R.N. Mathur : Counsel for the applicant

Mr. M. Rafiq : Counsel for the respondents.

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Hon'ble Mr. Gopal Krishna, Member (Judicial)

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (JUDICIAL)

2. Applicant Banay Singh has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying that the respondents be directed to reconsider this case for appointment on compassionate ground to any suitable post.

2. Heard the learned counsel for the parties.

3. The applicant claims to be an adopted son of late Shri Surja, who was holding the post of Keyman in the Western Railway and was posted at Bharatpur. Surja died after putting in more than 25 years of service on 11.1.87 while on duty. The applicant has relied on the proceedings of adoption, which were verified by the Sarpanch of the Gram Panchayat, Andhari vide Annexure A-2. It is also stated by the applicant that the deceased was not having any child before adoption of the applicant. The applicant was adopted by him in accordance with the customs prevalent in the Jatawa Community in particular and among Hindus in general. It is also stated that the family of the deceased Railway employee is in indigent circumstances and it is in need of financial assistance. The applicant had submitted an application for compassionate appointment in the year 1987 but it was rejected. Thereafter he made another representation to the higher authorities but it was also rejected on the ground that the adoption deed was not registered and the alleged adoption

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cannot be said to be valid. The respondents have resisted this application on the ground that it is hopelessly barred by limitation as the original order by which the request of the applicant for grant of appointment on compassionate considerations was rejected was passed on 19.6.87 whereas this application was presented on 17.12.93. It is categorically stated by the respondents in their reply that the late Shri Surja had a daughter named, Vimla, at the time of his death as also at the time of the alleged adoption and as such the adoption deed appears to have been prepared afterwards. The fact that the deceased Government servant had a daughter at the time of his death is borne out by the order dated 19.6.87 by which the original request of his widow, Smt. Gulaba, for appointment of the applicant on compassionate considerations was rejected. It transpires that the adoption deed Annexure A-2 was not in existence when the first request for the grant of compassionate appointment was made by the widow of the deceased vide Annexure R-4 dated 14.2.87 wherein it has not been mentioned that the applicant was the adopted son of the deceased. The request for compassionate appointment was rejected on 19.6.87. This application was moved on 17.12.93. It is, therefore, liable to be dismissed on the ground of belatedness also.

4. In these circumstances, I do not find any substance in this application. It is hereby dismissed with no order as to costs. The MA no. 654/93 for condonation of delay is also rejected.

G. Krishna
(GOPAL KRISHNA)
MEMBER (J)