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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: JAIPUR BENCH:
J A I P U R.

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O.A.No. 325/97

Date of order: 5.8.97

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M.A. No. 212/97

1. Banwari Lal S/o Shri Pema Ram, aged 47 years, resident of Village and P.O. Godiwara Kalan Tehsil Nawalgarh, District Jhunjhunu.
2. Hira Lal adopted son of Shri Banwari Lal, aged 33 years, resident of village & P.O. Godiwara Kalan Tehsil Nawalgarh, District Jhunjhunu (Raj.).

: Applicants

Versus

1. The Union of India through General Manager Western Railways, Churchgate, Bombay.
2. The Divisional Railway Manager, Jaipur Division, Western Railway, Jaipur.

: Respondents

Mr. Hawa Singh, counsel for the applicants

CORAM:

HON'BLE SHRI RATAN PRANASH, MEMBER (JUDICIAL)

O R D E R

(PER HON'BLE SHRI RATAN PRANASH, MEMBER (JUDICIAL))


This is an application under Section 19 of the Administrative Tribunals Act, 1985 by the applicants Shri Banwari Lal and Shri Hira Lal to seek compassionate appointment of Shri Hira Lal said to be the adopted son of applicant No.1 Banwari Lal. The grievance of the applicants is that the respondent department has rejected the request for compassionate appointment of applicant No.2 on the ground that the Adoption Deed is not valid according to law.

2. I heard the learned counsel for the applicants. The learned counsel for the applicants has failed to substantiate as to how applicant No.1 was retired

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from service before superannuation on 12.9.1996. No supporting medical report has been placed. In the so-called 'Gohnama' (Adoption-deed) which is said to be executed on 20.1.1996, it is not indicated as to when exactly the applicant No.2 Hira Lal was taken in adoption five years ago. The age of the adopted son at present is indicated as 33 years. However, it is urged by the learned counsel for the applicants during arguments that he was taken in adoption when Heera Lal was in child-hood. Even the date of birth of applicant No.2 Hira Lal has not been indicated anywhere in the Adoption-deed Annexure A-2. It all appears to be a concocted affair and there is no ground to disbelieve the discretion exercised by the respondents department in rejecting the request made by applicant No.1 for appointment on compassionate ground for his so-called adopted son Hira Lal. Compassionate appointment cannot be sought for as of right. Failure of the applicants to support the contentions made in the OA has been fatal. The O.A. is, therefore, dismissed at the stage of admission. M.A. No.212/97 also stands disposed of accordingly.


(RATAN PRAKASH)
MEMBER (J)