

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
O.A.No.289/2001 Date of order: 15/3/2002

Smt.Pemi Devi, W/o late Sh.Birma, R/o Vill.Madhopura
Budha Pushkar, Distt.Ajmer.

...Applicant.

Vs.

1. Union of India through General Manager, W.Rly,
Church gate, Mumbai.
2. Chief Works Manager, W.Rly, Ajmer (Rajasthan).
3. Dy.Chief Electrical Engineer (W) W.Rly, Ajmer.

...Respondents.

Mr.Ajay Pal Singh : Counsel for applicant
Mr.M.Rafiq : Counsel for respondents.

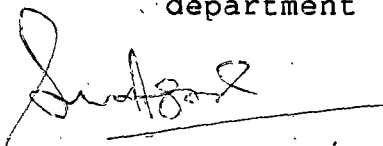
CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member.

PER HON'BLE MR S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A filed under Sec.19 of the ATs Act, 1985,
the applicant makes a prayer to quash and set aside the
letter dated 18.5.2001 (Annx.A1) and to direct the
respondents to appoint the applicant on compassionate
grounds w.e.f. 18.5.2001 with all consequential benefits.

2. The case of the applicant in brief is that husband
of the applicant died on 9.11.99 while in service. It is
stated that immediately after death of the deceased, the
applicant submitted an application to the respondents for
her appointment on compassionate grounds. It is stated that
the applicant and her husband being issueless adopted Miss
Maina, daughter of Sh.Ugama, elder brother of applicant's
husband on 5.7.94 and the girl child is living with the
applicant. But ignoring this fact, the respondents'
department rejected the claim of the applicant for

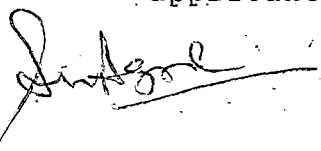


appointment on compassionate grounds vide letter dated 18.5.2001. It is stated that the condition of the family is indigent therefore she is entitled to be considered for appointment on compassionate grounds and denying the same is altogether illegal and unconstitutional. Therefore, the applicant filed this O.A for the relief as above.

3. Reply was filed. In the reply, it is admitted that the deceased Birma died on 9.11.99 while he was on sick leave from 16.10.99. It is denied that the applicant or her husband adopted Miss Maina as no proof was ever produced by the deceased employee during his life time. It is also stated that enquiry was also conducted by the Welfare Inspector who in his report dated 8.8.2000 mentioned that there was no evidence of adoption of Miss Maina. It is also stated that the applicant in her application dated 27.5.2000 did not mention this fact. Therefore, the respondents' department has rejected the application of the applicant which was perfectly legal and valid, hence no interference is called for.

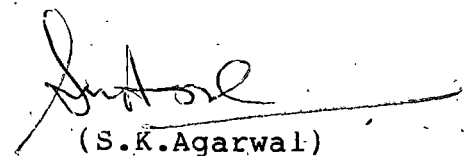
4. Heard the learned counsel for the applicant and perused the whole record.

5. On a perusal of the averments made by the parties, it appears that the competent authority has considered the case of the applicant for appointment on compassionate grounds but the same was rejected. A perusal of the report of the Welfare Inspector, it appears that the applicant is getting family pension but in this report there is no mention about the adoption of Miss Maina by the applicant or her husband. On a perusal of the averments made by the parties, it appears that in the application filed by the applicant for appointment on compassionate grounds dated



27.5.2000, a specific averment was given that she is issueless and there is no mention of any adopted child. The applicant herself admitted in the application that she is getting Rs.1500/- as pension but she is unable to maintain this amount therefore facing financial crisis. The applicant failed to establish the fact of adoption by any convincing reliable and unimpeachable evidence so as to reach to the conclusion that Miss Maina is the adopted daughter of deceased Birma. No adoption deed has been produced. Declaration from competent Court of jurisdiction regarding adoption of Miss Maina has not been produced. Only a piece of paper alleged to have been signed by the father of the child and deceased employee has been filed which is not even attested by any competent authority. Merely Annx.A4 has been filed by the applicant does not establish the fact that Miss Maina was the legally adopted daughter of the applicant. If Miss Maina would have been a legally adopted daughter of the applicant in such circumstances the applicant is legally under obligation to maintain her, in that case the position might have been otherwise. The applicant is getting family pension, admittedly Rs.1500/- per month. Therefore, in the facts and circumstances of this case, the department did not commit any illegality or irregularity in rejecting the candidature of the applicant for appointment on compassionate grounds.

6. I, therefore, dismiss this O.A having no merits with no order as to costs.


(S.K. Agarwal)

Member (J).