

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR,
JABALPUR

Original Application No. 489 of 2004

Jabalpur, this the 9th day of February, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Nitin Chakrabarti, S/o. Chakradhar
Chakrabarti, aged about 24 years, R/
Ward No. 5, Near Mandla Signal,
P.O. Nainpur, Distt. : Mandla, MP. Applicant

(By Advocate – None)

V e r s u s

1. Union of India, through the General Manager,
South East C. Rly., Bilaspur, Chhatishgah State.
2. Divisional Railway Manager,
South East Central Railwau, Nagpur,
Maharashtra State.
3. Divisional Personnel Officer, South East
Central Railway, Nagpur, Maharashtra
State. Respondents

(By Advocate – Shri H.B. Shrivastava)

O R D E R

By Madan Mohan, Judicial Member –

By filing this Original Application the applicant has claimed the following main reliefs :

“8(i) a suitable direction to the respondents Railway to make immediate payment of all settlement dues, with pensionary benefits of family pension along with the calculation sheets for Provident Fund, Gratuity and pension with market rate of interest for the delayed period from the death date of his adopted father,

8(ii) a suitable direction to the respondents Railways to appoint the applicant on compassionate ground as an adopted son to any class IVth Job since the applicant has read up to class X and his adopted father has taken pass for him from Railway for his rail journey.”

2. The brief facts of the case are that the applicant is the adopted son of the deceased employee late Chakradhar Chakrabarti who died in harness on 10.5.1994 while working as Garden Mali under the respondents. The applicant's adopted mother Smt. Nilimar Chakrabarti had died earlier on 25.5.1993 before the death of his adopted father. At present the applicant is the only legal heir to receive all the settlement dues of his father, family pension and compassionate appointment. Hence, this Original Application is filed.

3. None is present for the applicant. Since it is an old case of 2003, we proceed to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

4. It is argued on behalf of the respondents that the applicant has claimed himself to be the adopted son of the deceased employee. He has filed a photocopy of the adoption deed dated 7.1.1987. According to the provisions of the Hindu Adoption and Maintenance Act, 1956 in order to be a valid adoption deed there should be free consent of the parents of the minor to have agreed to give their child in adoption as well as to the consent of the person who agree to adopt the child. There are certain other formalities but according to the aforesaid adoption Annexure A-4 the natural parents of the applicant have not given him any adoption to Chakradhar Chakrabarty who is said to have taken him in adoption. Hence, this adoption deed does not confirm any right on the applicant and on the basis of it he cannot claim any relief.



5. After hearing the learned counsel for the respondents and on careful perusal of the pleadings and records, we find that one Shri Chakradhar Chakrabarty has executed this adoption deed Annexure A-4 in favour of the applicant Nitin Chakrabarty. By this deed he has alleged to take the applicant in adoption. This deed is not executed by the natural parents of the applicant and according to the Hindu Adoption and Maintenance Act, 1956 there should be free consent of the parents of the minor who had agreed to give their children in adoption as well as the consent of the parents who have taken the children on adoption and there should be actual giving and taking in presence of the witnesses. But in the present case natural parents of the applicant have not given the applicant in adoption to Chakradhar Chakrabarty. This adoption deed seems to have no effect and the argument advanced on behalf of the respondents that it does not confirm any right or title, seems to be perfectly legal and justified. On the basis of this deed the applicant is not entitled for any reliefs claimed by him.

6. In view of the aforesaid, we are of the considered opinion that the applicant has failed to prove his case and this Original Application is liable to be dismissed as having no merits. Accordingly, the Original Application is dismissed. No costs.


(Madan Mohan)
 Judicial Member


(M.P. Singh)
 Vice Chairman

“SA” फृष्टांकन सं ओ/न्या..... जबलपुर, दि.....
 पतिनिधि वर्जो दिवार:-
 (1) सविव, उच्च व्यापारिय वर्जो एम्प्रेरिएन, जबलपुर
 (2) आवेदक श्री/भ्रीनी/इ..... के वारंस्का M.R.Chandras 20/08/2008
 (3) पत्न्यां श्री/भ्रीनी/इ..... के वारंस्का 4/83 Shreechandras
 (4) वंशपाल, वर्जो, जबलपुर व्यापारिय
 सूचना एवं आवश्यक क्रमवेवही देने
 द्वारा दिनांक 20/08/2008
 द्वारा दिनांक 20/08/2008

Issued
on 14.2.05
By B
B