

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR
CIRCUIT COURT SITTING AT INDORE

O.A. NO. 502/1997

Rajesh, S/o. Late Shri Ram
Prasad, Nahar Pura Gali No. 1,
Ratlam.

... Applicant

V e r s u s

1. Union of India, through
General Manager, Western
Railway, Churchgate,
Bombay - 400020.

2. Divisional Railway Manager,
Western Railway, Do Batti,
Ratlam (MP) 457001.

... Respondents

Counsel :

Shri S.L. Vishwakarma for the applicant.

Shri Y.I. Mehta, Sr. Counsel with Shri H.Y. Mehta for the
respondents.

Coram :

Hon'ble Shri Justice N.N. Singh - Vice Chairman.
Hon'ble Shri Govindan S. Tamai - Member (Admnv.).

O R D E R (Oral)

(Passed on this the 18th day of February, 2003)

The applicant has filed this original application for quashing the DRM Ratlam's Letter dated 10/04/1997 (Annexure A/1) and for considering the employment on compassionate ground of the applicant. Shortly stated the case of the applicant is that he was born on 02/02/1975 as son of Shri Ganga Sahai (natural father) and Smt. Savitri Bai (natural mother) and remained in that family upto 04/01/1986 and that he was adopted by Smt. Jashoda Bai, Widow of Late Shri Ramprasad according to customs prevalent under Koli community and affidavit was sworn before Notary, Ratlam on 05/01/1986, affirming the adoption of the applicant by Smt. Jashoda Bai, the adopted mother. It was also claimed that Jashoda Bai in order to avoid future complications, executed a deed of adoption on 25/06/1987 (Annexure A/4) and that

she got provident fund advance on that ground. According to the applicant Jashoda Bai was declared medically unfit and was made to retire with effect from 13/02/1985, vide order Annexure A/6 and thereafter she applied for giving compassionate appointment to the applicant. The prayer of the applicant was finally turned down. It was claimed that registration of the adoption deed was not necessary under the provisions of Hindu Adoption and Maintenance Act, 1956.

2. The respondents contested the claim of the applicant by filing reply asserting that the alleged adoption was not acceptable as it did not satisfy the requirement of law to prove valid adoption. It was also pointed out that issuance of pass would not prove the validity of an adoption and that even in the pass simply the name of Jashoda Bai and her son was mentioned. It was also pointed out that for a valid adoption, the adopted son should sever his all connections with the natural father but in the mark sheets filed by the applicant in Annexure R/1, the name of the father of the applicant was mentioned as Sohanlalji Saini which was the name of the natural father of the applicant. In Annexure R/2 it was mentioned that if the adoption took place subsequently after the applicant had attained the age of 15, it was not valid.

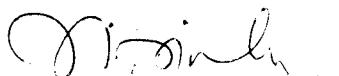
3. We have heard Shri S.L. Vishwakarma for the applicant and Shri Y.I. Mehta, Sr. Counsel for the respondents assisted by Shri H.Y. Mehta. The whole case of the applicant is based on his claim of valid adoption by Jashoda Bai who was in Railway service and was declared unfit with effect from 13/02/1985 (Annexure A/6). She was widow of late Ramprasadji. By Annexure A/2 it was claimed that the applicant was taken in adoption by Jashoda Bai on 05/01/1986, but the deed of adoption (Annexure A/3) dated 05/01/1986 mentions about adoption of this applicant Rajesh as well as her sister

Sangeeta aged about 17 years as adopted son and daughter of Jashoda Bai. Adoption of anyone above the age of 15 was not valid under Section 10(4) of the Hindu Adoption and Maintenance Act. This is also true that according to Section 12 of the said act the adopted child will have no connection with his natural father or mother, but the mark sheets Annexure R-1, goes to show that the name of the father of the applicant in the year 1993 was still continuing as that his natural father. Thus we find weight in the stand of the respondents that the alleged adoption was not valid and on that ground no compassionate appointment could be offered to the applicant.

4. In the result we find no merit in this application and it is accordingly dismissed, but without any order as to cost.

(GOVINDAN S. TAMPI)
MEMBER (A)

"SA"


(N.N. SINGH)
VICE CHAIRMAN

प्रकाशन रां ओ/न्या..... जयलाल, दि.....
परिवर्तिति: निवास निवास
(1) - राजा विश्वाकाम, जयलाल, जयलाल
(2) - राजा विश्वाकाम, जयलाल, जयलाल
(3) - राजा विश्वाकाम, जयलाल, जयलाल
(4) - राजा विश्वाकाम, जयलाल, जयलाल

Shri S.L. Vishwakarma, Adv.
Shri V.G. Mehta, Adv.

लेखा (गोविंदन)
उपर्युक्त
28/2/03

18/2/03
28/2/03