

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT PETITION No.8025 of 2018

ORDER: (ORAL)

(Per Suresh Kumar Kait, J)

Vide the present writ petition, petitioner has challenged order dated 12.07.2017 passed in O.A.No.7334 of 2014 by the A.P. Administrative Tribunal, Hyderabad, whereby the application filed by her under Section 19 of the Administrative Tribunals Act, 1985 has been dismissed.

2. The case of the petitioner is that she was born to Shri Veeraiah and Smt. Salamma and she was adopted by one Shaik Adambee who worked as *Kamati* in Social Welfare Department from her own parents in the year 1986 and ever since, the adopted mother Shaik Adambee was looking after her welfare and education. The adoption was duly registered on 05.05.2011 and her name was shown as nominee to her adopted mother.

3. Learned counsel for the petitioner submits that petitioner's adopted mother expired intestate on 16.07.2011 and after her demise, petitioner approached the respondents in the capacity of nominee of the deceased Adambee and also applied for appointment on compassionate grounds. On the advice of the Department to obtain a legal heir certificate, the petitioner applied for the same. The Tahsildar, Guntur issued an endorsement on 04.01.2012 stating that

on revenue enquiry, it is not possible to issue certificates applied by the petitioner and directed her to approach court of law. Thereafter, petitioner filed O.S.No.188 of 2012 before the I Additional Junior Civil Judge, Guntur for a declaration that she is legal heir as adopted daughter of the deceased Shaik Adambee and decree dated 05.10.2012 was passed declaring the petitioner as the legal heir of the deceased Shaik Adambee being adopted daughter. The judgment was carried in appeal before the District Court, Guntur, which was dismissed and as such the litigation with regard to declaring the application as adopted daughter of late Shaik Adambee had attained finality.

4. In the counter-affidavit filed by the respondents, it is specifically stated that in the service register of deceased Shaik Adambee, the following persons are shown as family members:

“1.	Sk. Adambee	:	Self	:	35 years
2.	Sk. Hussain	:	Husband	:	40 years
3.	Sk.Hasimbee	:	Mother-in-law	:	65 years
4.	Sk.Mastanbee	:	Daughter	:	16 years
5.	Sk. Mastanvali	:	Son	:	19 years
6.	Sk. Budha Kasim	:	Father-in-law	:	70 years
7.	Sk.Madhusubhani	:	Son	:	13 years”

5. From the above, it is clear that the deceased Shaik Adambee has mentioned that she was having a daughter and two sons.

6. In reply to the same, it is stated by the petitioner that the aforesaid names were furnished by the petitioner while she was in service for the purpose of LTC, but not to record the said names in the service register as her legal heirs.

7. It is settled law that LTC is available only to the children and dependents of the employee. Further, the deceased Shaik Adambee has clearly mentioned that Sk. Mastanbee is her daughter and Sk. Mastan Vali and Sk. Madhusubhani are her sons in the service register. Therefore, it cannot be said that the aforesaid list of members was given for the purpose of LTC.

8. Though learned counsel for the petitioner relied upon adoption deed dated 05.05.2011, however, it is to be noted that, as per Muslim Law, no adoption is permissible. Therefore, the contention of the learned counsel for the petitioner cannot be accepted.

9. In view of the same, we find no ground to interfere with the order of the Tribunal under challenge.

10. Writ petition is accordingly dismissed. No order as to costs.

As a sequel, miscellaneous petitions, if any pending, shall stand closed.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

August 10, 2018
MRR