

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 18604 of 2018

ORDER:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed challenging the order dated 29.12.2017 in O.A.No. 3260 of 2017 passed by the Andhra Pradesh Administrative Tribunal (for brevity "the Tribunal"), whereby the application filed by the petitioner under Section 19 of the Administrative Tribunal Act, 1985 (for short "the Act) against the action of the 3rd respondent in not considering and disposing of her representations dated 07.01.2012 and 19.10.2016 requesting for appointment on compassionate grounds in any suitable post, has been dismissed.

The case of the petitioner in brief is that Smt.Daniyala Nookamma, who is the sister of the petitioner's paternal grandmother, worked as Public Health Worker in the 3rd respondent – Corporation. She remained unmarried and adopted the petitioner by virtue of Adoption Deed dated 10.02.2002. The petitioner's adoptive mother brought up and educated her as a natural mother. On 07.07.2009, the petitioner's adoptive mother executed a registered Will bequeathing all her movable and immovable properties in her favour after her demise. As per the said Will, the petitioner is entitled to receive service benefits of her adoptive mother

after her death. The petitioner's adoptive mother died on 30.10.2011 leaving her as the only legal representative. The revenue authorities, after thorough verification, issued Family Members Certificate, dated 06.02.2012 recognizing her as the adoptive daughter of the deceased – Daniyala Nookamma. Thereafter, the 3rd respondent disbursed the service benefits of the deceased to the petitioner.

It is further case of the petitioner that after the death of her adoptive mother, the petitioner became helpless and lost her only source of livelihood. The Tahsildar, Buru, issued a certificate dated 06.02.2012, vide proceedings in L.Dis.20/ 2012(E), certifying that the petitioner is the adopted daughter of Daniyala Nookamma and there is no earning member in the family. Accordingly, the petitioner submitted a representation before the 3rd respondent on 07.01.2012 requesting to provide her employment on compassionate grounds. Since the representation was not decided, the petitioner again submitted an application to the 3rd respondent on 24.10.2016, however, in vain. At last, she filed W.P.No. 7311 of 2017 seeking a direction to decide the representation, however the same was dismissed by this Court by order dated 03.03.2017 leaving it open to the petitioner to work out her remedies available under the Act. Hence, the petitioner filed O.A.No. 3260 of 2017, and the Tribunal

dismissed the same vide order dated 29.12.2017. The fact remains that the petitioner filed unregistered adoption deed dated 10.02.2002 said to have been executed by Nukamma in her favour. It is settled law, for a valid adoption, there is no need for registration of adoption deed. It is also well settled principle of law that an adoption can be undertaken even by an unregistered document or even without any document.

The question before the Tribunal was whether the alleged adoption is true. To prove the factum of adoption, the petitioner did not file any authenticated documents to show that she was described as adopted daughter of Nukamma at any time after 10.02.2002 or after Nukamma's death on 30.10.2011. Moreover, there is no document to show that the petitioner was described as adopted daughter of Nukamma during the said period. Nukamma executed a registered Will dated 07.07.2009 during her life time wherein, Nukamma did not mention about the alleged Adoption Deed dated 10.02.2002 much less about her taking the petitioner in adoption. In the said Will, the petitioner was described as foster daughter of Nukamma and not as adopted daughter.

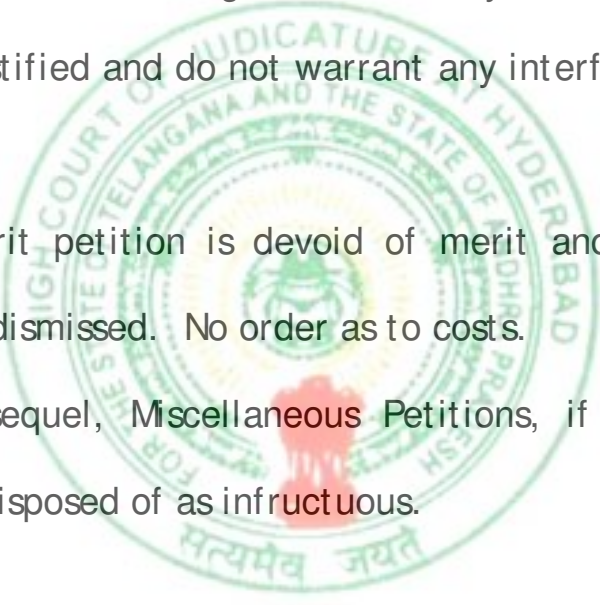
It is not in dispute that the petitioner was nourished and brought up by the deceased but merely based on the affection shown by Nukamma, the petitioner cannot claim as adopted daughter.

In the absence of any relevant material justifying the petitioner's adoption, we are of the considered opinion that the unregistered Adoption Deed said to have been executed on 10.02.2002 by Nukamma is nothing but a fabricated document subsequent to the death of Nukamma and the same was executed to buttress false claim of the petitioner for compassionate appointment.

In view of the facts recorded above, we are of the opinion that the findings recorded by the Tribunal are perfectly justified and do not warrant any interference by this Court.

The writ petition is devoid of merit and the same is accordingly dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

07.06.2018

ABHINAND KUMAR SHAVILI, J

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