

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.18034 of 2018.

Date of Decision: August 16, 2018

Chattarpal

.....Petitioner

versus

The Presiding Officer, Central Administrative Tribunal, Chandigarh Bench
and others

....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.G.C.Shahpuri, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner is aggrieved by the order dated 04.04.2018 whereby his claim for appointment on compassionate ground on account of death of his alleged father in harness, has been turned down.

[2] The brief facts are like this. Jai Ram Saini, the deceased-employee, was working as Senior Khalasi (Workshop). His wife unfortunately passed away on 12.07.1992. He had no issue. Jai Ram Saini is said to have adopted the petitioner on 24.02.1993. Petitioner is the son of brother of Jai Ram Saini, namely, Sumer Chand Saini. The adoption deed was executed on 24.02.1993. Jai Ram Saini unfortunately died on 06.09.2006 while he was in service. The petitioner claimed release of retiral dues being the adopted son but it was declined. He thereafter obtained Succession Certificate from the Civil Court at Yamuna Nagar vide order dated 16.12.2008. A fresh representation was then made and pursuant thereto, the retiral dues of deceased-employee were released in favour of the petitioner and his brother Deep Chand son of Sumer Chand Saini.

[3] The petitioner thereafter moved an application for his appointment on compassionate ground which was declined by the Competent Authority. He then approached the Tribunal but vide the impugned order, the petitioner's claim has been turned down primarily on the ground that he could not establish himself to be the adopted son of deceased-employee.

[4] It may be mentioned here that the foremost reliance placed by the petitioner was on the order of the Civil Court in a suit for permanent injunction in which no specific issue regarding validity of the adoption deed was framed or decided. It is not in dispute that the terminal benefits of the deceased-employee were released in favour of all the legal heirs and not the petitioner alone. On a query by us, it is conceded that the deceased never nominated the petitioner as his son in the official record for Insurance claim, GPF or other service benefits. No copy of the adoption deed was ever sent to the department by the employee during his life-time.

[5] That apart, the death of Jai Ram Saini took place in the year 2006. By now, 12 years have passed and the petitioner is more than 29 years old. It is not a case of such mitigating circumstances where this Court should consider the claim for compassionate appointment even if the petitioner were to be adopted son of the deceased-employee.

[6] The reliance placed by the petitioner on **Pankaj versus State of Rajasthan and others, 2012(4) SCT 236** and **Sanjay Kumar versus State of U.P. and another, 2014(32) SCT 626** is totally misplaced for the reason that the retiral dues have not been released in favour of the petitioner alone by accepting him as the adopted son of deceased-employee, rather a part of the retiral benefits only fell in his share being one of the legal heir of

the deceased-employee.

[7] No case to interfere with the order passed by the Tribunal is made out.

[8] Dismissed.

[SURYA KANT]
JUDGE

August 16, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No