

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

WRIT PETITION NO. 437 OF 2019

Anand Laxman Seema

... Petitioner

V/s.

Union of India and Anr.

... Respondents

Mr. Himanshu Takke for the Petitioner

Ms. S.V. Bharucha for the Respondent No.2

***CORAM : NITIN JAMDAR &
M.S. KARNIK, JJ.***

DATE : 18 FEBRUARY 2020.

P.C. :-

Heard learned Counsel for the parties.

2. The Petitioner had sought appointment on compassionate basis in the services of Respondent No.2 – Provident Fund. It is the case of the Petitioner that the Petitioner was the adopted son of one Shanta Balappa Seema, who was working as a Lower Division Clerk in the Office of the Provident Fund Organization. Shanta Seema expired on 24 April 2011. The Petitioner made an application for employment on compassionate

ground on the basis that he is her adopted son. On 24 May 2013, the Petitioner was informed to submit an Adoption Certificate. The Petitioner did not do so.

3. A compromise took place before the Lok Adalat at Narayanpeth, Andhra Pradesh. The proceedings of the Lok Adalat Committee are on record. It appears that by this order disputes between the Petitioner and some other family members of late Shanta Seema were resolved and the disputant had no objection to declare the Petitioner as an adopted son. Thereafter, when the impugned order came to be passed on 24 January 2016 stating that there was no adoption deed before the death of Shanta Seema, the application of the Petitioner cannot be considered.

4. The Respondents have rightly insisted on a legal proof of the Petitioner being an adopted son of Shanta Seema. It is quite obvious that for the adoption to be valid, it must be by Shanta Seema. The order passed by the Lok Adalat does not refer to this fact. It is by a consent of two persons without involving Shanta Seema, a declaration was sought to be obtained regarding the Petitioner's adoption.

5. Even otherwise the Petitioner was put to notice in the year 2013 itself that a legal proof will be required. The Petition is of the year 2019. Keeping in mind the law governing the

compassionate appointments on the ground of immediate necessity, it is not possible to issue a writ to the Respondents to consider the claim of the Petitioner on compassionate basis.

6. The Writ Petition is rejected.

M.S. KARNIK, J.

NITIN JAMDAR, J.

Jyoti P. Pawar

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