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WPCT 20 of 2021

**Union of India & Ors.
Vs.
Shri Suraj Bansfore**

Mr. D.N. Roy
Mr. A.K. Gayen
... For the Petitioners

Mr. Bratindra Narayan Ray
Ms. Shetparna Ray
... For the Respondent

The subject matter of challenge is an order passed by the Central Administrative Tribunal, Calcutta Bench, Kolkata in Original Application No. 350/1491/2017 on 16th March, 2020 in connection with an application filed by the adopted son of deceased Bhagania Bansfore praying, inter alia, for quashing of the impugned Memo dated 17th July, 2017 and 16th September, 2017, whereby the original applicant was required to submit either the Registered deed of Adoption or an order of declaration from the competent court of law for declaring him as an adopted son of the deceased Bhagania Bansfore for the purpose of providing appointment on compassionate ground.

The Tribunal allowed the application in favour of the original applicant on the basis of the succession certificate produced by Sri Suraj Bansfore in Misc. Case No. 189 of 2008 (SUCC). The Tribunal has proceeded on the basis that the rules does not mandatorily require for production of the Registered deed of Adoption to claim compassionate appointment.

Learned counsel appearing on behalf of the writ petitioners has argued before us that unless the Registered deed of Adoption is produced by the original applicant, the case of the applicant

could not be considered for compassionate appointment.

Learned counsel appearing on behalf of the respondent/original applicant has submitted that under Section 10 of the Hindu Adoption and Maintenance Act, 1956 if the custom and usage permits then a person having completed 15 years may be taken for adoption.

Our attention is drawn to the fact that on the basis of the succession certificate, in which the original applicant was described as adopted son of deceased Bhagania Bansfore, the terminal benefits have been released in favour of the original applicant and thereafter on 14th August, 2020 the original applicant was informed that the authorities concerned are processing the appointment of the original applicant on compassionate ground.

The writ petitioners are not questioning the succession certificate produced by the original applicant at the time of releasing his terminal benefits. In fact, the subsequent conduct shows that the authorities concerned accepted the said certificate to be sacrosanct and processed the application for compassionate appointment.

On such conspectus of fact, we do not find any reason to interfere with the order passed by the Tribunal.

The writ petition accordingly fails.

WPCT 20 of 2021 is thus dismissed without any order as to costs.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Hiranmay Bhattacharyya,J.)

(Soumen Sen, J.)

