

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 9565 of 2016**

***Damayanti Das & Anr.***

.....

***Petitioners***

*Mr. N.R. Routray, Advocate*

Vs.

***Union of India & Ors.***

.....

***Opposite Party***

*Mr. P.K. Parhi, ASGI*

**CORAM:**

**DR. JUSTICE B.R. SARANGI**

**MR. JUSTICE S. K. MISHRA**

**ORDER**

**18.07.2022**

**Order No.**

10

This matter is taken up through hybrid mode.

2. Heard Mr. N.R. Routray, learned counsel for the Petitioners and Mr. P.K. Parhi, learned Assistant Solicitor General of India appearing for the Opposite Parties.

3. The Petitioners have filed this Writ Petition seeking to quash the order dated 29.09.2015 under Annexure-4 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.260/00007 of 2014, and to issue direction to the Opposite Parties to consider the case of Petitioner No.2 for providing employment in Railway on compassionate ground.

4. Mr. N.R. Routray, learned Counsel for the Petitioners contended that Petitioner No.2, as the adopted son of the deceased-Narayan Das, is entitled to get compassionate appointment in the Railway Department. Claiming such appointment, he had approached the Tribunal by filing O.A. No.260/00007 of 2014, but the Tribunal has rejected such claim because of pendency of Civil Suit No.14 of 2016 before the learned Civil Judge (Jr. Division), Chandikhole.

5. Mr. P.K. Parhi, learned Assistant Solicitor General of India appearing for the Opposite Parties contended that since

the aforesaid civil suit is pending for adjudication with regard to validity of adoption deed of Opposite Party No.2 and unless the same is resolved, the compassionate appointment cannot be granted. Therefore, the Tribunal is well justified in passing the 29.09.2015 in O.A. No.260/00007 of 2014.

6. Considering the contentions raised by learned Counsel for the parties and after going through the records, it appears that the claim of Petitioner No.2 for compassionate appointment is based on the Board Certificate, wherein his father's name is indicated as Narayan Das, and on the ground of adoption deed, which is annexed to the Rejoinder Affidavit. But the dispute with regard to validity of adoption deed is pending adjudication in C.S. No. 14 of 2016 before the learned Civil Judge (Jr. Division), Chandikhole. Therefore, this Court is not inclined entertain this Writ Petition, as the civil suit is pending for consideration.

7. In view of such position, this Court, without interfering with the order dated 29.09.2015 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.260/00007 of 2014, disposes of this Writ Petition permitting the Petitioners to pursue C.S. No. 14 of 2016 pending before the learned Civil Judge (Jr. Division), Chandikhole. In the event the petitioners succeed in the said case, they may approach the appropriate forum for compassionate appointment.

8. Issue urgent certified copy as per rules.

**(DR. B.R. SARANGI)**  
**JUDGE**

**(S. K. MISHRA)**  
**JUDGE**

