

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 28074 of 2024 (O&M)

Reserved on: 06th February, 2025

Date of Pronouncement: 13th February, 2025

Union of India and another

... Petitioners

Versus

Sukhpreet Kaur and another

... Respondents

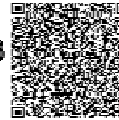
**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Ms. Meghna Malik, Central Government Counsel,
for the petitioners.

SANJEEV PRAKASH SHARMA, J.

The present writ petition preferred by Union of India and the Railways assail the order passed by the CAT dated 25.10.2023, whereby the Tribunal allowed the OA of the applicant-respondent no.1 and directed to consider her case for appointment on compassionate grounds within a period of three months.

2. Learned counsel for the petitioners assails the order on the ground that adoption-deed executed cannot be said to be legal and valid in law as the same was registered on 02.06.2017 while the girl adopted was above 20 years of age. It is further submitted that the date mentioned in the adoption-deed of actual adoption having been done on 12.01.2010 cannot be believed as the certificate of 10th class of respondent no.1 does not reflect the name of deceased employee- Vijay Kumar and rather names of the original parents have been mentioned.



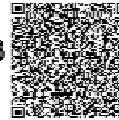
3. Learned counsel has invited our attention to the said certificate issued by the Punjab School Education Board on 03.06.2013 in support of her contention.

4. We have considered the submissions.

5. The writ petition and the contention raised by the Railways are found to be wholly misconceived for the reasons as we shall deal hereinbelow.

6. The Hindu Adoptions and Maintenance Act, 1956 (hereinafter to be referred as 'the Act') provides the manners and methods in which an adoption is to be made of a Hindu child in a Hindu Family. Adoption can be by way of a registered-deed or even without it. However, an act of giving and taking in adoption has to be performed by both the parties, namely, the biological parents and the adoptive parents. An adoption, which has already been done by way of a customary method or by any such give and take, may be reduced in writing subsequently and the adoption-deed may, thereafter, be registered.

7. Once an adoption-deed is registered, it would be presumed that a valid adoption has taken place with, of course, the right of rebuttal. The provisions regarding such presumption are provided under Section 16 of the Act. The contention of the petitioners that the adoption of respondent no.1 not being in accordance with law on the ground that she has attained the age of majority on the day of the registration of the adoption-deed, is also erroneous. The date of birth of the applicant-respondent no.1 (Sukhpreet Kaur) is 23.03.1997. The registered adoption-deed reflects that the adoption had taken place on 12.01.2010 but the registration could not take place. It is a matter of common knowledge that so far as the School Education Boards are concerned, they would only recognize actual parents of a child for being



mentioned in the certificate and the names of father and mother would change only on the presentation of a registered adoption-deed. In June, 2013, there was no registered adoption-deed and, therefore, it is natural that in the Punjab School Education Board Certificate, the names of original parents, instead of adoptive parents, of the applicant-respondent no.1 were mentioned. The same would, therefore, not be a reason to deprive her claim for compassionate appointment on account of demise of her adoptive father Vijay Kumar, who was, admittedly, an employee of the Railways and had died while in service.

8. The order passed by the CAT takes into consideration the aforesaid aspects at length and we need not reiterate them in our judgment.

9. It may be pertinent to note that in a recent judgment passed in Special Leave to Appeal (C) No. 14886 of 2024 **Prema Gopal vs Central Adoption Resource Authority and others** dated 29.01.2025, the Apex Court considered the aspect with regard to relating back and held as under:-

“Learned counsel submitted that although the adoption of twin children in the instant case took place on the 09.01.2020, the Deed of Adoption was subsequently registered on 19.09.2022. He submitted that the said Deed of Adoption would relate back to 09.01.2020, on which date the religious ceremonies were performed in the presence of relatives and friends for the formal adoption of the children under the provisions of the HAMA, 1956. In the circumstances, Regulation 67 has to be read in a manner relatable to the date of adoption. although The submission of the learned counsel was that Deed of Adoption 19.09.2022 which is subsequent to the was registered on commencement of the Adoption (Amendment) Regulations, 2021, the said Deed of Adoption relates back to the date of adoption being 09.01.2020. In the circumstances, there can be no hurdle in the consideration of the case of the petitioner herein under Regulation 67 of the

Regulations, 2022. Therefore, he urged that initially direction may be issued to respondent a no.3/ Collector, and respondent no.2 as well, for the purpose of consideration of the case under Regulation 67 of the Regulations, 2022.

xxx xxx xxx

We are prima facie of the view that the learned counsel for the petitioner is right in his submissions.”

10. For the reasons stated here-in-above, we find that the order passed by the CAT dated 25.10.2023 does not warrant any interference. The writ petition is found to be misconceived and is, accordingly, dismissed.
11. All pending applications stand disposed of.
12. No costs.

(SANJEEV PRAKASH SHARMA)
JUDGE

13th February, 2025
vs

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No