



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

D.B. Civil Writ Petition No. 14556/2025

Sanjeev Kumar S/o Late Adopted Father Sh. Maya Ram, Aged About 18 Years, Resident Of Village Jharli, District Jhajjar (Haryana).

-----Petitioner

Versus

1. Union Of India, Through General Manager, North Western Railway, Bikaner Division, Bikaner- 334001.
2. The Divisional Finance Manager, North Western Railway, Bikaner Division, Bikaner- 334001.
3. The Divisional Personnel Officer, North Western Railway, Bikaner- 334001.

-----Respondents

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For Petitioner(s) : Mr. Chetan Prakash Soni  
Mr. Ajay Kumar Augustine  
For Respondent(s) : Mr. Hansraj  
Dr. H.R. Rawal

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**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA  
HON'BLE MR. JUSTICE SANJEET PUROHIT**

**Order**

**18/04/2026**

1. The issue raised in this writ petition is no more *res integra*. The petitioner is an adopted son of the deceased railway employee Maya Ram. He was adopted by a registered adoption-deed. The said adoption-deed was submitted before the authorities for seeking family pension, which has been denied to him by the North Western Railway, Bikaner Office vide letter dated 29.04.2024 stating that there is no mention in the registered adoption-deed of the adoption being done by mentioning Hindu religion. The petitioner challenged the said order before the



Central Administrative Tribunal, Jodhpur Bench, Jodhpur in Original Application No. 290/00532/2024, which has been decided by the single Member of the Jodhpur Bench of CAT on 22.10.2024 and the Central Administrative Tribunal, Jodhpur Bench, Jodhpur has proceeded further to deny the adoption-deed on the ground that the adoption-deed does not fulfill the requisites of valid adoption as required under Section 6 of the Hindu Adoptions and Maintenance Act, 1956 (hereinafter referred to as the 'Act of 1956').

2. Surprisingly, we notice that while the learned Member of the Central Administrative Tribunal did take note of the fact that an adoption-deed will be presumed to be correct, it proceeded to declare it as invalid. Section 16 of the Act of 1956 reads as under:-

**"16. Presumption as to registered documents relating to adoption.-**Whenever any document registered under any law for the time being in force is produced before any court purporting to record an adoption made and is signed by the person giving and the person taking the child in adoption, the court shall presume that the adoption has been made in compliance with the provisions of this Act unless and until it is disproved."

3. Thus, the Court is bound to presume that the adoption has been made in compliance of the provisions of that Act unless and until it is disproved. Thus, the onus of burden of proof applies on the person who challenges the adoption-deed. We find that there is no challenge made to the adoption-deed in any competent court of law by any person.

4. In view thereto, collaterally in proceedings where the adopted son claims family pension, the Central Administrative Tribunal had no authority in law to declare the adoption as invalid nor the officer who denied the pension had the authority to challenge or raise question regarding presumption of the





adoption-deed to be valid in terms of Section 16 of the Act of 1956.

5. We allow the present petition and set aside the order passed by Annexure- 7 dated 29.04.2024 and also the judgment passed by the Central Administrative Tribunal, Jodhpur Bench, Jodhpur dated 22.10.2024 and direct the respondents to release the family pension to the petitioner along with all other retiral benefits, which are admissible in appeal along with interest @ 9% per annum from the date the family pension was payable to the son of the deceased railway employee Maya Ram.

6. All pending application(s) shall stand disposed of.

**(SANJEET PUROHIT),J**

**(SANJEEV PRAKASH SHARMA),ACJ**

19-harish/-

