

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20 _____

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 10.05.2019</p> <p align="center">O. A. No. 471 of 2019</p> <p>T.R. KhairnarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. S.T. Suryawanshi, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>2. In the present O.A., the Applicant has challenged the impugned order dated 06.05.2019, whereby the submission made by the Applicant for correction of date of birth has been rejected. Applicant's date of birth as per service record is 01.06.1961 and, therefore, is due to retire on 30.05.2019. Earlier he had filed O.A. No. No. 377/19 for direction to Respondent to decide his application for correction of date of birth in service record. He had applied for correction of date of birth in service record on 16.05.1986. He contends that his real date of birth is 21.08.1964 as per Birth and Death Registrar maintained by Tahsildar, Deola, District Nashik. Thus according to him his date of birth is 21.08.1964 and therefore not due for retirement at the end of May 2019.</p> <p>3. On the above background, learned Counsel for the Applicant seeks interim relief to the impugned order dated 06.05.2019.</p> <p>4. Whereas Smt. K.S. Gaikwad, learned P.O. for the Respondent requested for short time to take instructions from the department and make submission.</p>

Office Notes, Office Memoranda of Coram,
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Tribunal's orders

5. In view of above Issue notice before admission returnable on 27.05.2019.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
10. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
11. S.O. to 27.05.2019. Issue of interim relief is kept open.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

NMN

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FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 10.05.2019</p> <p align="center">O. A. No. 470 of 2019</p> <p>S.S. GhanteApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. S.T. Suryawanshi, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged the impugned order dated 02.05.2019, whereby Applicant has been compulsory retired w.e.f. 07.05.2019. In view of finding record against him in departmental enquiry.</p> <p>3. Learned Counsel for the Applicant sought to contend that finding record by departmental enquiry is unsustainable as the evidence is not properly assessed by enquiry officer or by disciplinary authority. Thus, according to her the punishment of compulsory retirement is unsustainable in law. She therefore prayed for interim relief to stay the impugned order dated 02.05.2019.</p> <p>4. Whereas learned P.O. for the Respondents requested for grant of time to take instructions from the department and submitted that since the Applicant is already stands retired compulsory w.e.f. 07.05.2019, the question of interim stay does not survive.</p> <p>5. In view of above, the matter stands adjourned to 20.05.2019.</p>

Office Note, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

6. Issue notice before admission returnable on 20.05.2019.
7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
8. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
10. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
11. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
12. S.O. to 20.05.2019. Issue of interim relief is kept open.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

NMN