

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 416 OF 2016  
(Subject – Date of birth)**

**DISTRICT: OSMANABAD**

**Shri Ramhari S/o Gajendra Gosavi,** )  
Age: 54 years, Occu. : Service working )  
As Van Mazoor, )  
R/o. At Post Nitali, )  
Tq. & Dist. Osmanabad. ) **.. APPLICANT**

**V E R S U S**

- 1) **The State of Maharashtra,** )  
Through the Secretary, )  
Social Forest Department, )  
Maharashtra State, Mantralaya, )  
Mumbai-32. )
- 2) **The Director of Social Forest** )  
**Department,** Maharashtra State, )  
'Central Building' Near Ambedkar )  
Udyan Near Sasoon Hospital, )  
Pune. )
- 3) **The Joint Director,** )  
Social Forest Department, )  
N-3, CIDCO, Aurangabad )  
Tq. & Dist. Aurangabad. )
- 4) **The Deputy Director,** )  
Social Forest Department )  
Osmanabad Division, )  
Central Administrative Building, )  
Room No. 20, Osmanabad, )  
Tq. & Dist. Osmanabad ) **.. RESPONDENTS**

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**APPEARANCE** : Shri M.B. Kolpe, Advocate for the Applicant.

: Smt. Sanjivani K. Deshmukh-Ghate,  
Presenting Officer for the Respondents.

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**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.**

**Reserved on : 05.07.2018.**

**Pronounced on : 06.07.2018.**  
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**ORDER**

1. Heard Shri M.B. Kolpe, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. The applicant has approached this Tribunal seeking relief that the act of respondents in superannuating the applicant by order dated 06.05.2016 (Annexure A-4) be quashed and set aside and he be continued in the Government service till 30.06.2022.

3. The applicant's claim can be summarized as follows:-

The applicant was daily wage worker working in the Forest Department. As a part of scheme of granting status of permanency, and absorption to the daily wagers serving in the Forest Department, the applicant was absorbed in the year 2012. After absorption, the applicant's service book was prepared. In the service book of the applicant, his date of birth was recorded as 04.06.1962 based on School Leaving Certificate. The applicant has been superannuated

by impugned order treating that he has attained the age of superannuation on 31.05.2016.

4. In the Original Application, the applicant has pleaded relating to his date of birth and his present age as follows:-

*“3) The applicant states that, considering the available evidence, service book of applicant is prepared and date of birth of applicant was entered as **04.06.1962** in the service book. The date of birth of applicant was recorded in the service book by considering the School Leaving Certificate and the admission extract maintained by the school. The copy of relevant extract of service book is annexed herewith and marked as **“ANNEXURE A-1”**.*

*(7) The applicant states that, after receiving the Letter of superannuation (Annexure ‘A-4’) the applicant has given application to the respondent No. 4 to take the entry in service book record as per school record and details regarding school leaving certificate and admission extract is also given by the applicant. The copy of application dtd. 16.03.2016 is annexed herewith and marked as **ANNEXURE “A-5”**.*

*(quoted from page nos. 3 to 5)*

5. The averments contained in paragraph Nos. 3 and 7 have been replied by the respondents Nos. 1 to 4 in their affidavit in reply, with following averments:-

“4. ....

*I say and submit that, later on as per the G.R. dated 31.10.2013 in respect of daily wages casual labourers they were made permanent for working under the Plan and Non-Plan Scheme during the period from 01.11.1994 to 30.06.2004 considering that they worked continuously or with breaks for 240 days in a year for at least consecutive five years. As per the said G.R. of 31.10.2013 the Applicant complied the aforesaid condition laid down in the G.R. of 31.10.2013. Hence, the Applicant was made permanent from 01.06.2012 as per the provisions contained in the G.R. dt. 31.10.2013. Hereto annexed and marked as copy of G.R. dated 31.10.2013 along with list of the permanent labourers working in Social Forestry Division, Osmanabad District Osmanabad as **ANNEXURE R-2 Collectively**.*

*I say and submit that, in the aforesaid list with G.R. of 19.10.1996 the name of Applicant appeared at Sr. No. 482 wherein his Date of Birth is mentioned as 15.05.1956, which is the final proof mentioned in the list as per the approved documents received from the Applicant and accordingly the date of birth record by the Government.*

*I further say and submit that, the Service Books were prepared after the status of permanency was given to the eligible labourers vide G.R. dt. 31.10.2013. While preparing the Service Book of the Applicant the mistake*

*occurred at the hands of then Head Clerk of Social Forestry Department, Osmanabad who wrongly mentioned the date of birth of Applicant as 04.06.1962 instead of recording the date of birth of the Applicant as 15.05.1956. Considering the mistake made by the then Head Clerk, the office has already given Show cause and Charge sheet to the then Head Clerk and later on he had also admitted the said mistake.*

*I say and submit that, after noticing the discrepancy the Respondent No. 3 issued letter dated 30.04.2015 directing Respondent No. 4 to make the necessary correction in the Service Book of the Applicant. A copy of letter dated 30.04.2015 is annexed herewith and marked at **ANNEXURE "R-3"**.*

*I say and submit that, in compliance with the directions received from Respondent No. 3, the Respondent No. 4 made necessary correction in the Date of Birth of Applicant as 15.05.1956 with endorsement. The necessary change of the Birth Date in respect of the Applicant came to be effected as per letter dated 30.04.2015, pursuant to the entry mentioned in the list of the permanent labourers and accordingly, in the service Book of the Applicant by deleting the wrong date i.e. 04.06.1962 and the correct date 15.05.1956 came to be noted in the Service Book. The copy of relevant page of Service Book is annexed herewith and marked at **ANNEXURE "R-4"**."*

*(quoted from page nos. 20 to 23)*

6. Annexure 'R-4' (paper book page no. 42) to the affidavit in reply clearly indicates the correction in the service record.
7. The applicant has not filed any rejoinder disputing the stand of the respondents.
8. In the aforesaid background, the applicant has failed to show on the basis of any document or evidence to counter or dispute the date of birth, which was borne on record.
9. Therefore it is clear that the applicant has failed to show that his date of birth recorded by the State is erroneous.
10. No relief as claimed by the applicant can be granted.
11. There is no merit in the present O.A and it is dismissed without any order as to costs.

**PLACE : AURANGABAD.**

**DATE : 06.07.2018.**

KPB/S.B. O.A. No. 416 of 2016 2018 Date of birth c.

**(A.H. JOSHI)**  
**CHAIRMAN**