

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 725/2018 (S.B.)**

Ashok Gulabrao Hajare,  
Aged about 57 years, R/o Govind Nagar,  
Rajapeth, Amravati.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Secretary, Department of  
Finance, Mantralaya, Mumbai -32.
- 2) Director, Accountants and Treasuries,  
Directorate, 3<sup>rd</sup> floor, Thackersy House,  
Belard Estate, Vallabhadas Patel Road,  
Fort, Mumbai-01.
- 3) Assistant Director and Accounts and Treasuries,  
Directorate, 3<sup>rd</sup> floor, Thackery House, Belard Estate,  
Vallabhadas Patel Road,  
Fort, Mumbai-01.
- 4) District Treasury Officer, Camp, Amravati.

**Respondents.**

---

**Shri R.V. Shiralkar, Advocate for the applicant.**

**Shri M.I. Khan, P.O. for the respondents.**

---

**Coram :- Hon'ble Shri Shree Bhagwan,  
Vice-Chairman.**

---

**Date of Reserving for Judgment : 26<sup>th</sup> July,2021.**

**Date of Pronouncement of Judgment : 30<sup>th</sup> July,2021.**

## JUDGMENT

**(Delivered on this 30<sup>th</sup> day of July,2021)**

Heard Shri R.V. Shiralkar, Id. Counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

2. The applicant was appointed as Junior Clerk by an order issued by the Treasury Officer after being selected through Subordinate Selection Board. The applicant has joined the duty as Junior Clerk on 2/3/1991. The applicant thereafter came to be promoted as "Deputy Accountant" in the year 2004 by an order issued by the Deputy Director of Accounts and Treasuries. Lastly, the applicant came to be promoted as Assistant Accounts Officer in the year 2015. Presently, the applicant is working as Assistant Accounts Officer at Amravati on the post of Assistant Accounts Officer.

3. After being appointed as Junior Clerk in 1991 it was noticed by him that his date of birth in service record was recorded as per the S.S.C. Certificate submitted by him during selection process of Subordinate Selection Board wherein date of birth of the applicant was recorded as 5/1/1961.

4. The applicant immediately moved an application for correction of date of birth in service books since his birth extract issued by the Municipal Corporation, Amravati shows date of birth as

3/12/1961. This extract of birth register was annexed with copy of application made on 17/4/1995 (A-3,P-11). The application was duly received by the office of District Treasury Officer, Amravati on the same day and there is endorsement of the same. At the relevant time, the District Treasury Officer was Appointing Authority of the applicant. The applicant given reminder on 29/9/2017 (A-5,P-13) since he is nearing his retirement and requested the District Treasury Officer to take decision on his pending application.

5. The District Treasury Officer prepared proposal on 3/10/2017 (A-6,P-14) and forwarded it to the respondent no.2, as if it was new application. This proposal was forwarded as per G.R. dated 3/3/1998. Actually the application of the applicant for correction of date of birth in service record was of 17/4/1995 and Govt. Resolution according which the proposal was forwarded was of the year 1998 and same is not applicable.

6. The respondent no.3 thereafter passed an order dated 15/12/2017 (A-7,P-17) whereby it was informed to the respondent no.4 that the applicant has not made any application for correction of date of birth in service record within 5 years and therefore no correction can be done now.

7. Aggrieved with this order, the applicant has approached to this Tribunal. The Id. Counsel has filed on record GAD G.R. 3/3/1998 (P-87) and in para-3 of the said G.R. it is mentioned that employee can make application for correction of date of birth within five years of joining service. The Id. Counsel also filed Govt. Circular dated 24/6/1992 (P-61). In the said Circular, in second para, it is mentioned that such case can be submitted to the GAD and Finance Department who will take final decision as per Section 38 of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981.

8. The respondents have filed reply on 27/10/2020. In para-4, the respondents have submitted that representation of applicant dated 17/4/1995 was not received by the respondents. They further mentioned that even if it was submitted it was not supported with extract of birth register along with his name incorporated in it. The perusal of record on page no.11 it appears that applicant has submitted application on 17/4/1995 and he has enclosed copy of Corporation regarding birth and death certificate by Health Department. Hence, contention of respondents that even if application was submitted on 17/4/1995 it was not with relevant document. The Joint Director vide his correspondence dated 15/12/2017 (A-1,P-17&18) communicated to the Treasury Officer, Amravati rejecting the claim of applicant regarding change of date of

birth. Ideally, he should have submitted proposal through proper channel to the GAD and Finance Department as per G.R. dated 3/3/1998 and Circular dated 24/6/1992 to decide the matter. On perusal of record, it appears that the Joint Director (Administration), Accounts and Treasury Mumbai has written letter dated 9<sup>th</sup> Oct.2015 (P-49) to the Joint Director, Accounts and Treasury, Amravati to submit the proposal in complete form so that it can be processed. However, the respondent no.3 has taken decision vide order dated 15/12/2017 (P-17&18) and written letter to the Treasury Officer, Amravati without taking any decision or without submitting proper proposal as per G.R. dated 3/3/1998 and Circular dated 24/6/1992. It was appropriate for the respondent no.3 to submit complete proposal to the superiors for processing it as per Govt. directions in G.R. and Circular.

9. The learned P.O. relied upon Apex Court Judgment in case of **State of U.P. & Ors. Vs. Smt. Gulaichi 2003 AIR SCW 3775** wherein it is observed that *an application for correction of the date of birth should not be dealt with by the Courts, Tribunal or the High Court keeping in view only the public servant concerned. Any direction for correction of the date of birth of the public servant concerned has a chain reaction, inasmuch as others waiting for years, below him for their respective promotions are affect in this process.....*

10. In view of discussions in above paras, the impugned order dated 15/12/2017 (A-7,P-17&18) is quashed and set aside. The respondents are directed to make complete proposal of the applicant as per his application dated 17/4/1995 (A-3,P-11) and submit to the GAD and Finance Department as per provisions of G.R. dated 3/3/1998 and Circular dated 24/6/1992 for decision by the respondent no.1 within 90 days from the date of receipt of this order.

11. With this direction, the O.A. stand disposed off. No order as to costs.

**Dated** :- 30/07/2021.

Dnk.

**(Shree Bhagwan)  
Vice-Chairman.**

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice-Chairman.

Judgment signed on : 30/07/2021.  
and pronounced on

Uploaded on : 30/07/2021.