

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**  
**BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 609 OF 2013**

DIST. : OSMANABAD

Akhude Shivaji Ambadasrao,  
Aged 57 years, Occu. Sr. Clerk,  
Tahsil Lohara,  
R/o Kasar Galli, Opp. Vidya Mandir,  
Osmanabad.

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**APPLICANT**

**VERSUS**

1. The State of Maharashtra,  
Through Presenting Officer,  
MAT, Aurangabad.
2. The Collector,  
Osmanabad District,  
Osmanabad.
3. The Tahsildar,  
Lohara, Tq. Lohara,  
Dist. Osmanabad.

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**RESPONDENTS**

APPEARANCE : Shri Asif Ali, learned Advocate holding for Smt.  
A.N. Ansari, learned Advocate for the applicant.

: Shri I.S. Thorat, learned Presenting Officer for  
respondents.

**CORAM : HON'BLE SHRI J. D. KULKARNI, MEMBER (J)**

**ORAL ORDER**

(Passed on 1.12.2016)

1. This O.A. was filed by the applicant for the following reliefs :-

***“B. The Respondent no. 3 Collector be directed to  
allow the Applicant to resume the duties forthwith,  
by reinstating him in service.*”**

***C. The Respondent be directed to grant all the benefits of an in service candidate to Applicant as if he was in actual services from 1.3.2010 till the date of joining / superannuation.***

***D. The Respondent be directed to pay the arrears of the differences to the Applicant as the Applicant is a in-service candidate.”***

2. It seems that earlier the applicant had filed O.A. no. 189/2011 before this Bench of the Tribunal, which was decided vide judgment and order dated 29.2.2012, wsherein the order dated 6.11.2010 passed by the respondent no. 2 therein was quashed and set aside and it was held that the date of birth of the applicant is 15.2.1956.

3. Against the order of this Tribunal passed on 29.2.2012 in O.A. no. 189/2011, the State Govt. has filed writ petition no. 2085/2015 before Honϕle Bombay High Court, Bench at Aurangabad. In the meantime, since the respondents were not taking steps considering the declared date of birth of the applicant by this Tribunal vide judgment and order dated 29.2.2012 in O.A. no. 189/2011, the applicant has filed present O.A. no. 609/2013.

4. Now the said writ petition No. 2085/2015 has been decided by the Honϕle High Court vide judgment and order dated 28.9.2016 and the operative order is as under :-

***“a) The petitioners shall consider the date of birth of the respondent as 15.2.1956 and shall consider the said date of birth while considering the length of service of the respondent for pensionary benefits. However, the respondent shall not be entitled for the actual salary for the period the respondent may have put in service considering his date of birth as 15.2.1956 instead of 15.2.1952, so also the petitioners are entitled to revise the pay-scale of the respondent, which he would have been entitled to if he would not have been given exemption from passing the departmental examination in the years 1997 and 2001.***

***b) The writ petition is partly allowed accordingly in terms of aforesaid observations and directions. No costs.”***

5. In view of the aforesaid order of the Hon<sup>ble</sup> High Court, nothing survives in the present O.A. and the same stands disposed of. The respondents are directed to take steps as per the order passed by Hon<sup>ble</sup> High Court in W.P. no. 2085/2015 dated 28.9.2016 within a reasonable period. There shall be no order as to costs.

**MEMBER (J)**