

ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 678/2014.

Kisan Motiram Zade,
Aged about 56 years,
R/o Shastri Nagar, Ward No. 3, Nehru Nagar,
Near Hanuman Temple,
Chandrapur.

----- **Applicant.**

Versus

The State of Maharashtra,
Through its Secretary,
Department of Water Resources,
Mantralaya, Mumbai

2. The Executive Engineer,
Minor Irrigation (Jalsandharan)
Division, Chandrapur.
Distt. Chandrapur.

----- **Respondents.**

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1. Ms. Rucha Pande, Advocate holding for Shri S. Ghate,
for the applicant.
 2. Shri M.I. Khan, Presenting Officer for the respondents.
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CORAM : **S.S. Hingne: Member (J)**

DATE : **17th October, 2016**

ORDER

The applicant has filed the O.A. seeking the
change in his date of birth.

2. Heard Ms. Rucha Pande, Advocate holding for

Shri S. Ghate, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

3. The applicant joined the service on 22/9/1980 and preferred the representation on 1/1/1985 for the change in his date of birth. He is superannuated in September, 2014. As per school record and service record, his date of birth is 25/9/1956. According to the applicant that is wrong and his correct date of birth is 6/8/1958. The applicant got the date of birth changed vide Gazette Notification dtd.2/10/1980 (Ann.A-3,page-25).

4. The applicant moved the application for correction of date of birth in the service record on 1/1/1985(Ann.A-4,page-26). However, it does not bear any official endorsement, outward no. or inward no. etc. In response the Chief Engineer made the query vide communication dtd.27/9/1987 (Ann.A-5, page-27). The matter was in cold storage for years together for the reasons known to the parties.

5. Thereafter the applicant made the representation on 18/9/2014(Anne.A-17, page-59) which was forwarded on 20/9/2014 vide Annexure-A-16, page-58 to Govt. Based thereon a note-sheet was prepared at the Mantralaya level which runs from page nos.62 to 64. The application of the applicant is turned down for the reason that he had not filed any document in support of his case that his date of birth is 6/8/1958. Consequently the order dtd.30/8/14 Annex-A-14, page-55 is issued. The applicant will stand superannuated on 30/9/2014 which is impugned in this case.

6. In the representation the applicant has given the table of the birth of dates of his sisters and brothers but that material cannot be sufficient. As per the G.R. dtd. 24/6/1992 the applicant's case was considered in the light of 10 points. Points No.6,7 and 8 relate to the documents to be produced by the incumbent to show the date of birth. Such documents consist of extract of the birth date register or authenticated and official entry to show that the applicant's date of birth is 6/8/1958. Consequently, the application came to be rejected.

7. The Id. Counsel for the applicant urged that the application is not considered properly. As against this, the Id. P.O. relied on the case of **State of Madhya Pradesh and others –vs. Premal Shrivastava [(2011) 9 SCC 664]**, wherein Their Lordships of the Summit Court of the Land held that the change of date of birth in service record should not be made at the fag end of the career.

8. In order to prove the correct date of birth it is bounden duty of the applicant to place sufficient authenticated and official documents like entry in the Kotwal Book, entry in the birth date register maintained by the local authorities or any document of regularly and duly maintained record or any family record maintained regularly like 'जन्मपत्रिका, जन्मकुंडली' etc. However, no any such type of document is placed on record. The mere table giving the birth of dates of his sisters and brothers cannot take anybody to reach any conclusion. Thus, the applicant has measurably failed to make out a case. No interference is called for in impugned order.

9. Consequently the O.A. deserves to be rejected.

Accordingly it is rejected with no order as to costs.

Skt.

(S.S. Hingne)
Member (J)