

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO. 614 /2016

Shri Narayan Gulabrao Ghormare,
Aged about 56 years, Occ. Service,
R/o Shivanagar, Warud, Ward no.10,
Warud, Dist. Amravati.

Applicant.

Versus

- 1) The State of Maharashtra through its Secretary Department of Revenue and Forest, Mantralaya, Mumbai.
- 2) The State of Maharashtra through its Secretary General Administration Department, Mantralaya, Mumbai.
- 3) The Additional Chief Conservator of Forest (Administration Sub-Sumvarg), Maharashtra State, Nagpur.
- 4) The Chief Conservator of Forest, (Territorial Amravati).

Respondents

Shri G.G.Bade, P.P. Khaparde, Advocates for the applicant.

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

**Coram :- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J).**

JUDGEMENT

(Delivered on this 28th day of July,2017)

Heard Shri G.G. Bade, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents. The O.A. is heard finally at the admission stage with consent of Id. counsel for parties.

2. The applicant came to be appointed as Muster Assistant in the year 1981. He was absorbed in the service on regular post vide order dated 30/6/2003. According to the applicant his date of birth written in the service record is 8/10/1957. However, his correct date of birth is 25/9/1960. He made a representation for correction of date of birth, but his request was rejected vide communication dated 31/12/2015 by respondent no.1 and hence this O.A.

3. The applicant has claimed that the communication dated 31/12/2015 be quashed and set aside and the respondents be directed to correct his date of birth as 25/9/1960 instead of 8/10/1957 and it be declared that the applicant is entitled to retirement on superannuation on 30/9/2018 and accordingly the difference of arrears of salary from 31/10/2015 to 30/09/2018 be paid to the applicant since the applicant got retired forcibly on 31/10/2015.

4. The respondents denied the claim of the applicant and submitted that the application for correction of date of birth has been filed after a gap of 15 years after joining service. The applicant entered the service as a Muster Clerk on 21/4/1994 and the application was made for the first time for correction of date of birth on 20/6/2013 and thereafter on 9/10/2013, 11/11/2013 and 15/7/2014. Such application at the fag end of service is not admissible.

5. Perusal of the impugned order whereby the applicant's claim for correction of date of birth is rejected, shows that the respondent authorities have considered the claim of applicant in detailed. The said communication is at Annex-A-1 and dated 31/12/2015. If the correct date of birth as alleged by the applicant is taken into consideration as 25/9/1960, the applicant would not have been entitled to be admitted in the School also since he would have been less than five years of age at the time of admission in this School. This aspect has been considered by the competent authority i.e. respondent no.1. The applicant has not filed the application for correction of date of birth within five years from the date of entry in the service as per the provisions of Rule 38 of the Maharashtra Civil Services (General Conditions of Services) Rules,1981. This aspect has also been considered properly by the competent authority i.e. respondent no.1. The order rejecting the applicant's claim dated

31/12/2015 itself explanatory. The request for correction of date of birth at the fag end of the service cannot be accepted and therefore the same has been rightly rejected by respondent no.1. I, therefore, do not find any merits in the O.A. Hence the following order.

ORDER

The O.A. stands dismissed with no order as to costs.

**(J.D. Kulkarni)
Vice-Chairman (J).**

dnk.