

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 239 OF 2017

DISTRICT: - JALNA.

Shri Manohar S/o. Aabarao Gaikwad,

Age – 54 years, Occu. Nil,

R/o. Sterling Apartment,

Plot No. 24, Jyotinagar,

Dist. Aurangabad.

.. APPLICANT.

V E R S U S

1. The State of Maharashtra,

Through its Secretary,
General Administration Department,
Mantralaya, Mumbai.

2. The Additional Chief Secretary,

Public Works Department,
Mantralaya, Mumbai.

3. The Chief Engineer,

Public Works Regional Office,
Bandhkam Bhavan, Adalat Road,
Aurangabad.

4. The Executive Engineer,

Pradhan Mantri Gram Sadak Yojana,
Maharashtra Rural Road Development
Association, (MRRDA), Jalna. **.. RESPONDENTS**

APPEARANCE : Ms. P.R. Wankhade – learned Adv. for
the applicant.

: Shri S.K. Shirse – learned Presenting
Officer for the respondents.

CORAM : **HON'BLE SHRI B.P. PATIL,**
MEMBER (J)
DATE : **15TH SEPTEMBER, 2017.**

ORAL ORDER

1. Heard Ms. P.R. Wankhade, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. In the present Original Application the applicant is seeking direction to the respondent authorities to decide the proposal dated 31.06.2015 and also seeking directions to correct his date of birth in the service record as '05.04.1962' instead of '05.07.1957'.
3. It is contention of the applicant that his correct date of birth has been published in the Government Gazette and on that basis he moved an application to the respondents for making correction of his date of birth recorded in his service record. It is his contention that the Executive Engineer has corrected his date of birth and

made entry in the service book and referred the matter to the higher authority i.e. the Government, but the Government raised objection about authority/ power of the Executive Engineer to correct the date of birth of the applicant and taking entry in the service record accordingly. Therefore, the said entry has been cancelled. Thereafter, the Executive Engineer sent fresh proposal to the Chief Engineer on 31.3.2015 for taking decision about correction of date of birth of the applicant at Government level. The copy of the said proposal is placed on record at page-32 of the O.A. The Government had not taken any decision on the said proposal and, therefore, he approached this Tribunal seeking directions to the respondents to decide the proposal submitted by respondent No. 4 to the Chief Executive Engineer dated 31.03.2015.

4. Learned Advocate for the applicant has submitted that the proposal forwarded by respondent No. 4 on the basis of the application filed by the applicant for correcting his date of birth in the service record is pending with the respondent No. 3 since 31.03.2015. She has

submitted that the limited relief claimed by the applicant is to issue directions to the respondents to decide the said proposal, but the respondent authorities has not taken any decision on the proposal since 31.03.2005 and, therefore, she prayed to allow the present O.A. and direct the respondents to take decision on the proposal sent by respondent No. 4 within a stipulated time.

5. Learned Presenting Officer has submitted that the Executive Engineer has wrongly corrected the date of birth of the applicant recorded in the service book though he had no authority. He has submitted that when the said fact has been brought to the notice of respondent No. 1, respondent No. 1 called the explanation of Executive Engineer. Thereafter, Executive Engineer gave explanation and sent the application dated 30.3.2015 to the respondent No. 3, the Chief Engineer, along with letter dated 31.3.2015. He has submitted that the application of the applicant is not filed within stipulated time as per the Government Resolution. He has submitted that the applicant has been retired meanwhile on 31st July, 2015.

He has submitted that the proposal forwarded by the respondent No. 4, Executive Engineer, to respondent No. 3, Chief Engineer will be decided in due course of time. Therefore, he prayed to reject the Original Application.

6. Considering the documents on record, it reveals that the respondent No. 4 forwarded the application and proposal for correction of date of birth recorded in the service book of the applicant to the Chief Engineer, on 31.03.2015 but no decision has been taken in the said proposal by the respondents till today. The applicant has claimed limited relief to give direction to the respondents to take decision on the proposal. Since the respondents have not taken decision on the said proposal dated 31.03.2015, it is just to direct the respondent No. 1 to decide the proposal sent by the respondent No. 4 within a period of three months from the date of this order.

7. Therefore, I direct the respondent No. 1 to take decision on the proposal dated 31.3.2015 forwarded by respondent No. 4, Executive Engineer, within a period of

three months from the date of this order, on its own merit and as per the law/rules.

With the above observations directions the present Original Application stands disposed of with no order as to costs.

MEMBER (J)

O.A.NO.239-2017(SB)-HDD date of birth