

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.861 OF 2015

DISTRICT : MUMBAI

Shantaram H. Sonawane,)	
Nutan Nagar Rahiwashi Sangh,)	
Chavankar Road, Borivli (W),)	
Mumbai 92.) Applicant

Versus

1.	The State of Maharashtra,)	
	Through the Secretary,)	
	Home Department,)	
	Mantralaya, Mumbai 400 032.)	
2.	The Commissioner of Police,)	
	Office of Commissioner of Police,)	
	Crawford Market, Shahid Bhagat Singh Marg,)	
	Mumbai 400 030.)	
		Respondents.

Shri S.S. Dere, the learned Advocate for the Applicant.

Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN.

DATE : 16.06.2016.

J U D G M E N T

1. Heard Shri S.S. Dere, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Applicant has moved Respondents for correction in the date of birth from 02.06.1957 to 02.06.1959.

3. The case proceeds in following admitted facts :-

- (a) Applicant joined employment in 1981.
- (b) Date of birth entered in service record is 02.06.1957.
- (c) Date of birth recorded in the identity card of the applicant in 2001 is 02.06.1959.
- (d) In various other records, Applicant's date of birth is recorded as 02.06.1951.
- (e) Applicant submitted request for correction on record as regards is date of birth to be 02.06.1959, by making application in 2013.
- (f) Applicant's request for correction in the date of birth was favourably recommended by his superiors, however, his request has been declined.
- (g) Applicant was superannuated on due date treating his date of birth to be 02.06.1957.

4. This O.A. is opposed raising ground that by virtue of Rule 38 of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981 the application for correction in the date of birth can be entertained within five years of the date of entry and it ought not to be entertain when the request is made at the fag end of service.


5. Admittedly request for correction in date of birth was made belatedly and only when applicant's superannuation was in the sight.

6. Though the O.A. is filed and correction in date of birth is sought, applicant has failed to demonstrate the reasons due to which refusal of the Respondents to correct the date of birth is contrary to law.

7. Hence, no interference is warranted.

8. Original Application is dismissed.



Sd/-
(A.H. Joshi, )
Chairman

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