

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2480 OF 2013

DINKAR SUPADU KOLI
VERSUS
MAHARASHTRA STATE POWER GENERATION CO. LTD.
AND ANOTHER

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Advocate for Petitioner : Mr. Barlinge S.R.
Advocate for Respondent no.2 : Mr. Patil Vijay Y.

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CORAM : S.S. SHINDE & P.R. BORA, JJ.

Dated: March 24, 2015

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PER COURT :-

Heard the learned counsel appearing for the petitioner, who invited our attention to the M.S.P.G.C.L. Employees' Service Regulations and in particular Note (i) and (ii) below Regulation 9(2) of the said Regulations and submits that, the petitioner's prayer for correction in the date of birth in service record ought to have been considered by the Respondent No.1 in the light of Chapter – II, Note (i) and (ii) below Regulation 9(2) of the said Regulations. However, the prayer of the petitioner for correction in date of birth in service record is rejected without assigning any reasons and without considering the provisions mentioned in Note (i) and (ii) of the Regulations. Therefore, the learned counsel appearing for the petitioner submits that, the Respondent may be directed to decide the prayer of the petitioner for correction in date of birth in the light of the Regulations which are already placed on record and

compilation of which is at Exhibit `R-1' page 23 of the Writ Petition.

2. The learned counsel appearing for the Respondent vehemently opposed the prayer. He invited our attention to the affidavit in reply filed by respondent. He submits that, on the verge of retirement, the prayer is made for correction of date of birth, which is not permissible. He has also invited our attention to the judgment of the Hon'ble Supreme Court in the case of **G.M. Bharat Coking Coal Ltd., West Bengal V/s Shib Kumar Dushad and others** ¹ and submits that, the Petition may be dismissed.

3. We have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the Respondent No.1. Perused the impugned communication issued on 22nd August, 2012 by Respondent No.1 to the petitioner. Upon perusal of the contents of the said communication, it appears that, the concerned authority has not adverted to the regulations, and in particular, the Note (i) and (ii) in the said Regulations.

4. In that view of the matter, we set aside the impugned communication and direct the Respondent no.1 to consider the prayer of the petitioner in the light of relevant regulations, which are referred hereinabove and take decision on its own merits in accordance with the said Regulations and any other procedure, as expeditiously as

¹ AIR 2001 S.C. 72

possible, however, in any case, within three months from today.

5. The Petition is disposed of in the above terms.

(**P.R. BORA, J.**)

(**S.S. SHINDE, J.**)

sga/-

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