

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14103/2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Vaibhav R. Gaikwad for the petitioner

CORAM : K. K. TATED, J.

DATE : MAY 3, 2017

P.C.:

1. Heard. By this petition under Article 227 of the Constitution of India the Petitioner challenges the judgment dated 11.05.2016 passed by the Industrial Court Satara in complaint (ULP) No.13/2015 rejecting the petitioner's complaint u/s. 28 read with Item 9 and 10 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 directing the respondent to correct his birth date from 01.06.1958 to 02.04.1959.

2. It is the case of the petitioner that he joined his service in November 1982. At that time, he submitted the School Leaving Certificate showing his date birth as 01.06.1958. Later on he obtained a certificate from the Chief Officer, Nagar Parishad

Vita, Dist. Sangli which shows his birth date 02.04.1959. Hence, the petitioner made an application to the respondent on 23.03.2015 requesting them to change his birth date in his service record. That application was rejected by the respondent on 07.04.2015. Hence, the petitioner filed complaint u/s. 28 read item 9 and 10 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971.

3. The learned counsel for the petitioner submits that though the Industrial Court held that the petitioner's correct birth date is 02.04.1959 instead of 01.06.1958 as recorded in the School Leaving Certificate, the Industrial Court rejected his complaint only on the ground that the petitioner has made the application for change of birth date at the fag end of his service. Hence, the impugned order is liable to be set aside.

4. Heard. It is to be noted that in the present proceedings the petitioner was due for retirement on 01.06.2016, whereas he made an application for change of birth on 23.03.2015 which was rejected by the respondent on 07.04.2015.

5. Considering the fact that the petitioner has made an application for change of birth date at the fag end of his service, I do not find any reason to entertain the petition under Article 227 of the Constitution of India to disturb the well reasoned order dated 11.05.2016 passed by the Industrial Court.

6. Hence, the Writ Petition stands rejected.

JUDGE