

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 2680 OF 2021

Mangalsing S/o Kalusingh Pakal,
Aged about 53 years, Occu. - Service,
R/o 302, Royal Residency,
Jathar Peth Satav Chowk,
Akola 444005.

.... **PETITIONER**

// VERSUS //

- 1) The State of Maharashtra,
through its Principal Secretary,
Public Works Department,
Mantralaya, Mumbai-32.
- 2) Public Works Department, Khamgaon,
through its Executive Engineer,
Having its office at Waman Nagar,
Khamgaon 444303.

.... **RESPONDENTS**

Shri F. T. Mirza, Advocate for the petitioner.
Shri A. A. Madiwale, A.G.P. for respondent Nos.1 & 2.

**CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.**

DATED : 30.07.2021

ORAL JUDGMENT : (Per Sunil B. Shukre, J.)

1. Heard. **Rule.** Rule made returnable forthwith. Heard finally
by consent of the learned counsel appearing for the parties.

2. It is true that the petitioner is set to retire by superannuation on 30.07.2021, and his grievance is regarding refusal to correct his date of birth from 03.02.1963 to 09.05.1969 is pending for consideration of Maharashtra Administrative Tribunal, Nagpur. The Maharashtra Administrative Tribunal, Nagpur has not granted any interim relief in the matter. One reason has been stated in the order passed in this regard, which is that if interim relief is granted, it would amount to granting final relief.

3. If the Tribunal entertains such a view, it would be appropriate for it to take this matter for urgent final hearing and dispose it of in accordance with law at the earliest. It appears that more time than is expected in law is being taken by MAT, Nagpur in deciding a case like this. It would be therefore necessary for us to issue suitable directions in the matter.

4. Accordingly, the petition is partly allowed. The Maharashtra Administrative Tribunal, Nagpur is directed to decide the Original Application No.475 of 2021 in accordance with law, after giving due opportunity of hearing to both sides within a period of two months from the date of appearance of the parties.

5. Parties to appear before Maharashtra Administrative Tribunal, Nagpur on **03.08.2021**.

6. In case, the application is allowed, Maharashtra Administrative Tribunal, Nagpur shall consider granting of consequential reliefs, if any, in the matter. However, such contingency would not arise if the application is decided against the petitioner.

Rule accordingly. No costs.

(ANIL S. KILOR, J.)

(SUNIL B. SHUKRE J.)

Kirtak