

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

76 WRIT PETITION NO.4311 OF 2023

SK. EKBAL SK. JABBAR
VERSUS
THE DIVISIONAL RAILWAY MANAGER
(PERSONAL BRANCH) AND OTHERS

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Advocate for Petitioner : Mr. Shantaram Ravji Dheple.

Advocate for Respondent Nos.1 to 3 : Ms. Sudha Chintamani.

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CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 17th April, 2023.

Per Court:

1. The Petitioner is a retired employee from the Indian Railways. His wife is nominated as his nominee in order to receive pension after him. Her date of birth is recorded as "16th March, 1961". Now, at her age of 62 years, the Petitioner – husband desires that her date of birth be corrected and be shown as "7th June, 1964". She is neither in employment, nor her date of birth would affect her right to draw pension, if she survives the Petitioner. For the present, the Petitioner – husband is receiving the pension.

2. The learned standing counsel for the Union of India submits that it is inconsequential whether the wife of the Petitioner is born on 16th March, 1961 or 7th June, 1964. Since she is his only

legally wedded wife and nominated to receive pension after him, there is no reason to entertain this Petition.

3. Considering the above, it is purely an academic exercise to correct the date of birth when the wife is 62 years of age today, which is impermissible due to a long delay.

4. Hence, this **Petition is disposed off.**

5. In the event, the Petitioner desires to tender his wife's affidavit registered before the Magistrate, as called upon by the Respondents vide their communication dated 20th October, 2022, she would be at liberty to do so.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]

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