

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

**CIVIL APPLICATION [W] NO.3044/2018**  
**IN WRIT PETITION NO. 6036/2018.**

Rashtriya Colliery Mazdoor Sangh.

**-VERSUS-**

Union of India and another.

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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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Shri R.N. Sen, Advocate for the Applicant/Petitioner.

**CORAM : VINAY JOSHI, J.**

**DATE : 31.12.2018.**

Matter is mentioned before the Court.

2. Heard Shri Sen, learned Counsel for the applicant/petitioner. None appears for respondents.

It is informed by learned counsel for the petitioner that they tried to convey other side that the matter would be taken up today for urgent hearing, but, according to them, nobody has responded to their telephonic call.

3. Gone through the record. Petitioner at the moment prays for protection of his service, as he is about to retire today i.e. 31.12.2018. It is the contention of the petitioner that his real date of birth is

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29.12.1960, however, it is wrongly recorded in service record as 01.01.1959. According to the petitioner in 2011, he has made a representation to the management for correction in date of birth, but, it could not be worked out. It reveals that the matter is pending before the CGIT Nagpur.

4. This Court vide its order dated 20.12.2018, directed the petitioner to approach the CGIT for appropriate relief. It is informed that the petitioner has approached the CGIT on the very same day, but, vide order dated 26.12.2018, the CGIT has not considered the interim prayer, but, adjourned the matter to 03.01.2019.

5. The petitioner is unable to show any document, that prior to the year 2016, he has approached for change or correction in date of birth. It is settled law that at the fag end of service, the Court should be slow in interfering into the matter pertaining correction in date of birth. It is apparent that this Writ Petition is filed in the year 2018, when the petitioner was scheduled to be retired on completing his age of superannuation, as per the record maintained by the respondent Management. In the circumstances,

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interim relief as sought, cannot be granted. Petitioner can be compensated if he is able to prove his claim.

6. The CGIT to endeavor to decide the matter pending before it, within a period of three months.

7. Copy of this order be furnished to learned counsel for the petitioner to act upon.

**JUDGE**

Rgd.