

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 17.05.2024</p> <p align="center">O.A. No.655 of 2024</p> <p>Dr. S.A.B. AhmedApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri Nikhil Sakhardande, learned Advocate along with Shri M.S. Kelkar, learned Advocate for Applicant and Smt. Archana B.K., learned Presenting Officer for Respondents.</p> <p>2. Learned Advocate for Applicant mentioned that Applicant apprehends that implementation of Order dated 18.03.2024 passed in O.A. No.230/2022 by 'M.A.T - Aurangabad Bench' would result in his demotion from cadre of 'Professor (Conservative Dentistry and Endodontic)' and 'Mid-term Transfer' from 'Government Dental College & Hospital, Mumbai'.</p> <p>3. Learned Advocate for Applicant stated that they would be moving 'Hon'ble Bombay High Court' in 'Appeal' against Order dated 18.03.2024 passed in O.A. No.230/2022 by 'M.A.T - Aurangabad Bench'.</p> <p>4. Learned P.O. based on information received from officers present from 'Medical Education and Drugs Department' thereupon stated that they are also considering filling 'Appeal' in 'Hon'ble Bombay High Court' against Order dated 18.03.2024 passed in O.A. No.230/2022 by 'M.A.T - Aurangabad Bench' and are now in the process of seeking advice from 'G.A.D.' and 'L& JD'.</p>

5. The grant of 'Interim Relief' to Applicant would amount to staying the Order dated 18.03.2024 passed in O.A. No.230/2022 by 'M.A.T - Aurangabad Bench'. However, considering the fact that learned Advocate for Applicant as well learned P.O. have both affirmatively stated that they intend to soon file 'Appeals' before 'Hon'ble Bombay High Court' against Order dated 18.03.2024 passed in O.A. No.230/2022 by 'M.A.T - Aurangabad Bench', it would be appropriate to give interim directions even though Order dated 18.03.2024 passed in O.A. No.230/2022 by 'M.A.T - Aurangabad Bench' has to be implemented at the end of 'Four Weeks'.

6. The Applicant in this O.A. No.655/2024 since promotion on 30.06.2022 has been serving on post of 'Professor (Conservative Dentistry and Endodontic)' in 'Government Dental College & Hospital, Mumbai'. Hence 'Principal Secretary, Medical Education & Drugs Department' not to initiate any definitive action till 'Next Date' to demote Applicant from cadre of 'Professor (Conservative Dentistry and Endodontic)' even if he is required to be relieved for implementation of Order dated 18.03.2024 passed in O.A. No.230/2022 by 'M.A.T - Aurangabad Bench'.

7. The 'Principal Secretary, Medical Education & Drugs Department' is further informed to explore if Applicant in present 'O.A. No.655/2024' filed before 'M.A.T - Mumbai Bench' can be retained in cadre of 'Professor (Conservative Dentistry and Endodontic)' on 'Deputation Post' with equivalent 'Salary and Allowances' either in any 'Government Medical College in 'Greater Mumbai' or 'Medical Colleges & Hospitals' of 'Municipal Corporation of Greater Mumbai'. Further it may also be explored as 'Appeal are proposed to be filed before 'Hon'ble Bombay High Court' on behalf of 'Medical Education & Drugs Department'; whether Applicant in this 'O.A. No.655/2024' can be permitted to continue in cadre of 'Professor (Conservative Dentistry and Endodontic)' by either creating 'Supernumerary Post' initially for 'One Year' or till the decision of 'Hon'ble High Court Bombay' whichever is earlier or by temporarily upgrading any 'Vacant Post' of 'Associate Professor'; by duly considering 'Legal Principles' of 'Impleadment of Necessary Party' upheld in several Judgments of 'Hon'ble Supreme Court of India' such as

'(2011) 6 Supreme Court Cases 570' filed by 'J.S. Yadav v/s. State of Uttar Pradesh & Another'; '(1984) 4 SCC 251' filed by 'Prabodh Verma v/s. State of U.P.'; 1995 Supp (1) SCC 179' filed by 'Ishwar Singh v/s. Kuldip Singh'; '(2009) 1 SCC 768' filed by 'Tridip Kumar Dingal V/s. State of W.B.'; '(2010) 10 SCC 408' filed by 'State of Assam v/s. Union of India' & '(2010) 12 SCC 204' filed by Public Service Commissioner v/s. Mamta Bisht'.

8. The office objections, if any, are to be removed and court fees to be paid, if not already paid.

9. Issue notice before admission returnable on 10.06.2024.

10. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

11. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

12. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

13. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.

14. S.O. to 10.06.2024.

Sd/-

(Debashish Chakrabarty)
Member (A)