

Government of Jammu and Kashmir
Health & Medical Education Department
Civil Secretariat, Jammu.

Subject: Settlement of period of unauthorized absent (visit to Saudi Arabia), in favour of Dr. Shayesta Rahi, Lecturer, Government Medical College, Srinagar.

Ref: No.GS-MC/L-Gyn/966 dated 26-12-2020 from Government Medical College Srinagar.

Government Order No: 33 -JK(HME) of 2021
Dated: 14 - 01-2021

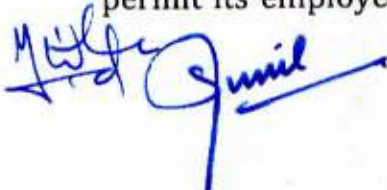
WHEREAS, Dr. Shayesta Rahi was appointed as Lecturer in the Government Medical College, Srinagar vide Government Order No. 390-HME of 2018 dated 29-06-2018 and submitted her joining report in Government Medical College, Srinagar on 02-07-2018;

AND WHEREAS, Dr. Shayesta Rahi, Lecturer, GMC Srinagar, had proceeded on (180) days Maternity leave w.e.f 14-10-2019 which was sanctioned vide Office Order No. 272-GS of 2019 dated 31-10-2019 and in the meanwhile she submitted an application through fax on 11-04-2020, whereunder she stated that she had to travel to Saudi Arabia as she got an emergency call from her husband, who is working in KFM City Riyadh Saudi Arabia, regarding acute health emergency of her elder daughter (4 years old) who is residing with the father in Saudi Arabia. In such disturbed state of mind and mental agony she was not able to communicate to the department for station leave permission before leaving Riyadh. Besides, her scheduled travel to come back to India was on 15-03-2020 but unfortunately all International flights got cancelled due to COVID-19 pandemic. Accordingly she requested for considering of her period of her absence as leave whatever kind due to her on the plea that she could not attend her duties due to the ban imposed by the Government on operation on international flights;

AND WHEREAS, the said doctor after availing of the Maternity leave was supposed to join her duties on 12-04-2020, but she rejoined in Government Medical College, Srinagar on 15-06-2020 and thereafter she is continuing in the Department of Obsts & Gynae, Government Medical College, Srinagar in the interest of patient care and teaching programme of the department, pending settlement of period of absence from the Administrative Department;

AND WHEREAS, the Principal Government Medical College, Srinagar forwarded her case regarding unauthorized absence to the Administrative Department for issuance of appropriate necessary instructions;

AND WHEREAS, the Administrative Department is competent to permit its employee for proceeding outside the Country on private affairs. The



following instructions have been issued by the Finance department vide Circular issued under endorsement No:A/46/2017/1-862 dated 21-02-2019 regarding grant of permission to visit outside the country on private affairs:-

"That the station permission for proceeding outside country on private affairs may be granted by the Administrative Department in the same manner as leave outside the country is taken with station permission granted by the concerned Administrative Department on private e.g. while performing hajj or Kailash Yatra or even for foreign tour.

However, need has been felt to circulate the advisory for general information/guidance of all the departments. Accordingly, it is advised that the applications for grant of Station Leave Permission to visit outside the country on private affairs shall be decided by the concerned Administrative Departments as under:-

When a State Government employee intends to visit a foreign country on private affairs during the period of leave, prior permission of the competent authority to leave the station is required. While deciding such applications, the concerned authority shall keep various factors in view. Permission may be denied in the interest of security. Individuals facing investigation/inquiry on serious charges, who may try to evade apprehension by police authorities, or facing the inquiry, may also not be permitted to leave the country. However, the requests of employees shall be dealt with expeditiously and permission shall not be denied/delayed in genuine and justified cases.

The departments shall bring these instructions to the notice of their subordinate offices as well."

AND WHEREAS, the aforesaid doctor left without obtaining prior permission/NoC of the Administrative Department in terms of Circular instructions issued by the Finance Department under endorsement No:A/46/2017/1-862 dated 21-02-2019;

AND WHEREAS, the issue with regard to settlement of the intervening period was examined in consultation with Director Finance, Health and Medical Education Department (Chairman, Departmental Designated Committee) and the Department while taking considerate view in the matter, decided to treat the period of unauthorized absence (visit to aboard for meeting her ailing daughter) w.e.f 12-04-2020 to 14-06-2020 in respect of Dr. Shayesta Rahi, Lecturer, Government Medical College, Srinagar as leave whatever kind due except study leave and remaining period of shortfall be treated as Dies Non, subject to the condition that the said doctor was not involved in any subversive activities as well as was not employed in any Govt./Private sector and no departmental enquiry is pending against her, for which an affidavit duly authenticated by the 1st Class Judicial Magistrate shall be obtained by the Principal Government Medical College, Srinagar from the concerned doctor. Principal Government Medical College, Srinagar needs to explain as to why disciplinary proceeding was not initiated against Dr. Shayesta Rahi, Lecturer, Government Medical College, Srinagar, for proceeding abroad without obtaining prior permission/NOC of Administrative Department in light of Circular issued under endorsement No:A/46/2017/1-862 dated 21-02-2019 by the Finance Department. The concerned doctor shall be warned not to leave her place of





posting un-authorizedly for any occasion in future, failing which disciplinary action shall be initiated against her without any further notice.

Now therefore, sanction is hereby accorded to:-

- i. Treat the period of unauthorized absence (visit to aboard for meeting her ailing daughter) w.e.f 12-04-2020 to 14-06-2020 in respect of Dr. Shayesta Rahi, Lecturer, Government Medical Srinagar as leave whatever kind due except study leave and remaining period of shortfall be treated as Dies Non, subject to the condition that the said doctor was not involved in any subversive activities as well as was not employed in any Govt./Private sector and no departmental enquiry is pending against her, for which an affidavit authenticated by the 1st Class Judicial Magistrate shall be obtained by the Principal Government Medical College, Srinagar from the concerned doctor.

Besides, Principal, Government Medical College Srinagar shall explain as to why disciplinary proceeding was not initiated against Dr. Shayesta Rahi, Lecturer, Government Medical College, Srinagar for proceeding abroad without obtaining prior permission/NoC of Administrative Department in light of Circular issued by the Finance Department under endorsement No:A/46/2017/1-862 dated 21-02-2019.

Further, the concerned doctor is **warned** not to leave her place of posting un-authorizedly for any occasion in future, failing which disciplinary action shall be initiated against her without any further notice.

By order of the Government of Jammu & Kashmir.

Sd/-

(Atal Dulloo) IAS

Financial Commissioner

Health and Medical Education Department

Dated: 14-01-2021

No. ME/Gaz/37/2020(Sgr)

Copy to the:-

1. Principal Secretary to the Lieutenant Governor.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
3. Principal, Government Medical College, Srinagar.
4. Director, Archives, Archaeology & Museums, J&K.
5. Director Finance, Health & Medical Education Department.
6. OSD with Advisor (B) to Lieutenant Governor.
7. Concerned.
8. Private Secretary to the Financial Commissioner, Health and Medical Education Department.
9. I/C Website, Health and Medical Education Department.
10. Government Order file/Stock file.

(Mohammad Iqbal Lone)

Under Secretary to the Government
Health & Medical Education Department

