

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

Subject: Settlement of period of undergoing higher studies in respect of Dr. Naiem-ul-Haq, Medical Officer.

Ref. No: Est-3/1-133/1789 dated 02-09-2020 from Directorate of Health Services, Kashmir.

Government Order No: 258-JK(HME) of 2020
Dated: 19-11-2020

WHEREAS, Dr. Naiem-ul-Haq was appointed as Medical Officer, in the Health Services Department vide Government Order No: 639-HME of 2016 dated 09-12-2016 and joined in the office of Director Health Services, Kashmir on 26-12-2016, subsequently he was posted at PHC Panzgam, Pulwama;

AND WHEREAS, Dr. Naiem-ul-Haq, Medical Officer was selected for PG at SKIMS Soura, Srinagar and he had left w.e.f 04-06-2017 on the directions dated 01-04-2017 passed by the Hon'ble High Court in SWP No.146/2017 titled Dr. Sarfaraz Ahmad Kasana & Ors Vs State & Ors. without obtaining permission/NOC of the Administrative Department;

AND WHEREAS, the operative part of the order dated 01-04-2017 passed by the Hon'ble High Court in SWP No. 146/2017 titled Dr. Sarfaraz Ahmad Kasana & Ors Vs State & Ors reads as under:-

"In the meantime, interim directions as in SWP No. 312/2017. Accordingly, the respondents are directed to declare the result of the petitioners of counseling for PG course in case they fall within zone of consideration on merit. Official respondents shall also relieve the petitioners for admission in PG course in case the petitioners are otherwise eligible and entitled to admission as per merit. Interim orders shall not be construed as conferring any right whatsoever in favour of the petitioners and it is made clear that the interim dispensation is on purely provisional basis and subject to the outcome of the writ petition."

AND WHEREAS, after the completion of said course, the aforesaid doctor has rejoined in Directorate of Health Services, Kashmir on 05-06-2020 and said Directorate has forwarded the case of the doctor for acceptance of rejoining/settlement of period to the Administrative Department for issuance of appropriate instructions;

AND WHEREAS, the instant case has been examined in consultation with Director Finance, Health & Medical Education Department (Chairman, Departmental Designated Committee), and the department while taking a considerate view in the matter, in the interest of patient care, decided to accept the rejoining of said doctor notionally from 05-06-2020 and monetarily with immediate effect. Besides, the period of undergoing PG at SKIMS Soura, Srinagar w.e.f 04-06-2017 to 04-06-2020 in respect of Dr. Naiem-ul-Haq, Medical Officer as 'Dies-Non' and this shall be subject to outcome of SWP No.146/2017 titled Dr. Sarfaraz Ahmad Vs State & Others subject to the condition that the said doctor was not involved in any subversive activities as well as was not employed in any Government/Private Sector and no departmental enquiry is pending against him, for which an affidavit authenticated by the 1st Class Judicial Magistrate shall be obtained by the Director Health Services, Kashmir from the concerned doctor. Further, the concerned doctor shall be warned not to leave his place of posting for any occasion in future unauthorizedly, for which disciplinary action shall be initiated against him with any further notice.

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Now therefore, sanction is hereby accorded to:-

- i. accept the rejoining of Dr. Naiem-ul-Haq notionally from 05-06-2020 and monetarily with immediate effect.
- ii. treat the period of undergoing PG at SKIMS Soura, Srinagar w.e.f 04-06-2017 to 04-06-2020 in respect of Dr. Naiem-ul-Haq, Medical Officer as '**Dies-Non**' and this shall be subject to outcome of SWP No.146/2017 titled Dr. Sarfaraz Ahmad Vs State & Others subject to the condition that the said doctor was not involved in any subversive activities as well as was not employed in any Government/Private Sector and no departmental enquiry is pending against him, for which an affidavit authenticated by the 1st Class Judicial Magistrate shall be obtained by the Director Health Services, Kashmir from the concerned doctor.

Further, the concerned doctor is **warned** not to leave his place of posting for any occasion in future unauthorizedly, for which disciplinary action shall be initiated against him with any further notice.

By order of the Government of Jammu & Kashmir.


Sd/-
(Atal Dulloo) IAS
Financial Commissioner
Health and Medical Education Department

Dated: 19-11-2020

No. HD/Gaz/Gen/115/2020

Copy to the:

1. Principal Secretary to the Hon'ble Lieutenant Governor.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
3. Director, Archives, Archeology & Museums, J&K.
4. Director Health Services, Kashmir.
5. OSD with Advisor(B) to Hon'ble Lieutenant Governor.
6. Concerned doctor.
7. Private Secretary to the Financial Commissioner, H&ME Department.
8. Government Order file/Stock file/ Website H&ME.


(Mohammad Iqbal Lone)

Under Secretary to the Government
Health & Medical Education Department

