

GOVERNMENT OF JAMMU AND KASHMIR
HEALTH & MEDICAL EDUCATION DEPARTMENT
HUMAN RESOURCE MANAGEMENT BRANCH
Civil Secretariat, J&K, Jammu.

Subject: Termination of probation and discharge from service thereof.

Government Order No. 645 -JK(HME) of 2020
Dated: 01.09.2020

WHEREAS, the Directors, Health Services, Kashmir vide communication No. Est/3/1-133/244 dated 22.01.2020 & No. Est/3/1-133/1183 dated 19.05.2020 has forwarded the list/details of such doctors who remained un-authorizedly absent from duties;

AND WHEREAS, the Director, Health Services, Kashmir vide No. Est/3/1-133/2646-47 dated 17.12.2019 had already served notices to these un-authorizedly absent doctors which was also published in local daily Kashmir Uzma in its edition dated 20.12.2019 giving them opportunity to report back to their duties;

AND WHEREAS, after examination of the cases in the Department, it was decided to give last and final opportunity to these un-authorizedly absent doctors for reporting back in the Directorate of Health Services, Kashmir within a period of 15 days positively;

AND WHEREAS, vide communication No. HME/HRM/33/2014 dated 22.04.2020, among others, last and final opportunity was given to following four un-authorizedly absent doctors, to report back in Directorate of Health Services, Kashmir within a period of 15 days, failing which it shall be presumed that they have nothing to say in their defense and proceedings as warranted under Rule 21(1) of the Jammu & Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956, Rule 25 (2) of the J&K Civil Services Leave Rules, 1979 and Article 128 of J&K Civil Service Regulations shall be initiated against them:-

S. No	Name of the doctor	Designation	Absent from
1	Dr. Mohd Yaqoob Wani	Medical Officer	DH Bandipora
2	Dr. Raheeb Ahmed Shah	Medical Officer	CHC Sumbal
3	Dr. Omair Ashraf	Medical Officer	DH Bandipora
4	Dr. Adil Rafiq Rather	Medical Officer	PHC Qoimoh

AND WHEREAS, the Director, Health Services, Kashmir vide communication No. Est/3/1-133/1183 dated 19.05.2020 has again submitted that these 04 un-authorizedly absent doctors did not resume their duties despite final notice/opportunity given by the Administrative Department;

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AND WHEREAS, the cases of these doctors have been examined thoroughly in the department in view of the rule position governing the subject and it has been found that since these doctors have not resumed their duties despite repeated notices, this act on their part is a voluntary act and they are liable to be discharged from services on account of unauthorized absence from duties and for not satisfactorily completion of their period of probation;

AND WHEREAS, rule 21(1) of the Jammu & Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 provides that:-

"At any time before the expiry of the prescribed period of probation, the appointing authority may:-

- (a) Suspend the probation of a probationer and discharge him from the service for want of vacancy; and*
- (b) At its discretion terminate the probation of a probationer and discharge him from the service."*

AND WHEREAS, rule 25 (2) of J&K Civil Services Leave Rules, 1979 which reads as under:-

"Willful absence from duty after the expiry of leave renders a Government servant liable to disciplinary action".

AND WHEREAS, Article 128 of J&K Civil Services Regulations Volume-I envisages as under:-

"Absence without leave or after the end of leave involves loss of appointment, except as provided in Article 203 (b) or when due to ill health in which case the absentee just produce the certificate of Medical Officer".

Now, therefore, in exercise of powers conferred under clause (b) of Rule 21 (1) of the Jammu & Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 and the provision of Article 128 of J&K Civil Service Regulations Volume-I, the probation of the following un-authorizedly absent four doctors is hereby terminated and they are discharged from the Government service with effect from the dates mentioned against each:-

S.No.	Name of doctor	Designation	Place of posting	w.e.f.
1.	Dr. Mohd Yaqoob Wani S/o Mohd Abdullah Wani R/o Chewa Budgam.	Medical Officer	DH Bandipora	28.05.2019
2.	Dr. Raheeb Ahmed Shah S/o Ghulam Mohd Shah R/o Shamswari Khan Khai Moullah Srinagar.	Medical Officer	CHC Sumbal	04.10.2019
3.	Dr. Omair Ashraf S/o Mohd Ashraf R/o 167 Balgarden, Karanagar Srinagar.	Medical Officer	DH Bandipora	20.05.2019



4.	Dr. Adil Rafiq Rather S/o Mohammad Rafeeq Rather R/o Redwani Payeen, Kulgam.	Medical Officer	PHC Qoimoh	22.05.2019
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By order of the Government of Jammu & Kashmir.

Sd/-
(Atal Dulloo) IAS
Financial Commissioner
Health & Medical Education Department
Dated: 01.09.2020

No. HME/HRM/33/2014

Copy to the:-

1. Principal Secretary to the Lieutenant Governor.
2. Joint Secretary, (J&K), Ministry of Home Affairs, Government of India.
3. Director, Archives, Archaeology & Museums, J&K, Jammu.
4. Director, Health Services, Kashmir.
5. OSD with Advisor (B) to the Lieutenant Governor.
6. Private Secretary to the Financial Commissioner, Health & Medical Education Department.
7. Concerned doctors.
8. Government Order file/Stock file/Website HME.


(Rajeshwar Singh Charak) KAS
Additional Secretary to the Government
Health & Medical Education Department

