

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

Subject: SWP No. 779/2011, CMA No. 1129/2011-titled Dr. Baljit Singh & anr Vs State & Ors -Cancellation of claim of 3rd time bound promotion thereof.

Government Order No. 627-JK (HME) of 2020
D a t e d :- 26 - 08 - 2020

WHEREAS, Dr. Baljit Singh and Dr. C.N.Dhar appointed as Assistant Surgeon in the Health Department on 01.07.1975 and 23.04.1976, and have rendered their services in the Health Department upto 31.05.1987 and 05.11.1980 respectively.

AND WHEREAS, Dr. Baljit Singh and Dr. C.N.Dhar filed a writ petition before the Hon'ble High Court at Jammu bearing SWP No. 779/2011, CMA No. 1129/2011 titled Dr. Baljit Singh & anr Vs State & Ors and the Hon'ble High Court at Jammu on dated 31.05.2013, passed the direction as under:-

"a) issue specific directions to the concerned officials respondents by issuance of a mandamus for the grant of benefit of time bound promotion in terms of the Government Order No. 388-HME of 2005 dated 30.06.2005 with corrigendum to above said Government Order No. 388-HME of 2005, read with all the connected orders, as mentioned in the writ petition.

b) to direct the official respondents to grant the benefit of third time bound promotion w.e.f 01.04.95, on the analogy of other similarly situated doctors, who were granted the third time bound promotion.

c) any other relief, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may kindly be issued in favour of the petitioner.

Mr. Neeru Goswami, Dy. A.G states that the respondents will accord consideration to the case of the petitioners strictly in accordance with the rules and regulations.

In view of the submissions of learned Deputy Advocate General, this writ petition warrants disposal at this stage, hence is disposed of with the direction to the respondents that they shall accord due consideration to the case of the petitioners and while doing so, shall adhere to all rules, regulations and the scheme in vogue. In the process, the grounds as projected in the memo of the petition, shall also taken into consideration.

The order of consideration whatever shall be passed in accordance with the rules. Copy of the same shall be sent to the petitioner within six weeks from today.

Copy of the order be furnished to learned Deputy Advocate General so as to ensure compliance"

AND WHEREAS, the matter came to be examined by the department and it was observed that earlier vide Government Order No. 388-HME of 2005 dated 30.06.2005, sanction was accorded to the grant of 3rd time bound promotion in favour of

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-serving doctors of Health Department (including Dental Surgeons & Specialists) who have put in five years of service in pre-revised grade of 3000-5000, is exclusively meant for the doctors of the Health Services/Medical Education who perform duties as Assistant Surgeon. It was further observed that since, both these retired Migrant doctors are confirmed Lecturers in GMC, Srinagar and they belong to the permanent establishment of Medical Education Department instead of Health Services, therefore are not entitled for 3rd Time Bound Promotion under rules as is evident from Government Order No. 517-HME of 1987 dated 18.10.1987.

Now, therefore, the request of Dr. Baljit Singh and Dr. C.N.Dhar retired Migrant doctors are confirmed Lecturers in GMC, Srinagar for granting of 3rd Time Bound Promotion is devoid of merit and hence rejected.

By order of the Government of Jammu & Kashmir.

Sd/-

(Atal Dulloo) IAS

Financial Commissioner

Health & Medical Education Department

Dated:- 26 -08-2020

No. ME-legal/GAZ/06/2013-B

Copy to the:-

1. Principal, Government Medical College, Srinagar/Jammu.
2. Additional Secretary (Legal), Health and Medical Education Department.
3. Private Secy. to the Financial Commissioner, Health & Medical Education Department.
4. Concerned doctors.
5. In-Charge office Website, Health and Medical Education Department.
6. Government Order File/Stock file (W.3.S.C.).

(Pampqsh Ganju)

Under Secretary to the Government
Health & Medical Education Department

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