

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

**Subject: -** Enquiry into the conduct of Dr. Dinesh Kumar, Professor and Head Department of S&PM, Government Medical College, Jammu- dropping of charges thereof.

**Government Order No. 600 - (JK)HME of 2020  
D a t e d : 07 - 08 - 2020**

**WHEREAS,** vide Office Memorandum dated 23.01.2020, Dr. Dinesh Kumar, Professor and Head Department of S&PM, Government Medical College, Jammu, was charge sheeted and called upon to furnish his reply to the charges within a period of 15 days as to how he had allowed Dr. Bhavna Sahni to join back as Assistant Professor on academic arrangement basis when she had been disengaged by the Administrative Department, in terms of Government Order No.535-HME of 2019 dated 07.06.2019, for not being eligible under rules to hold this post;

**AND WHEREAS,** Dr. Dinesh Kumar furnished his written statement to the charges on 06.02.2020;

**AND WHEREAS,** the reply furnished by Dr. Dinesh Kumar was examined in the Department and it was decided to hold an enquiry into the matter. Accordingly, vide Government Order No.302-JK(HME) of 2020 dated 19.03.2020, Mr. Amit Sharma, KAS, Administrator, Associated Hospitals, Government Medical College, Jammu, was appointed as Inquiry Officer to conduct enquiry into the matter;



**AND WHEREAS,** the Inquiry Officer submitted his report on 01.06.2020, in which he concluded as under:-

*"After going through factual position in a chronological order, perusal of various records pertaining to the attachment of Dr. Dinesh Kumar, Professor & Head, Community Medicine(P&SM) Department, Government Medical College, Jammu vide Government Order No.812-HME of 2019 dated 12.09.2019 taking statements of all concerned and going through the reports sought from the various quarters pertaining to the case during the course of proceedings of the Inquiry, it has come forth that it is a matter pertaining to multiple sub-judice cases with which Dr. Dinesh Kumar is directly linked as one of the respondents. However, the above mentioned facts and all related documents reveal that in both the incidents with respect to joining of Dr. Bhavana Sahni, Community Medicine (P&SM), Department, Government Medical College, Jammu on 10.07.2017 and 25.07.2019 on the basis of directions of the Hon'ble Court, Dr. Dinesh Kumar being one of the respondent in both the cases, complied the directions of the Hon'ble High Court. However, as per the available facts and figures, he never directly permitted or allowed the joining of Dr. Bhavna Sahni in his own capacity as HoD, Community Medicine (P&SM) Department instead at both the times, he immediately forwarded the said joining reports to the then Principal, Government Medical College, Jammu for further necessary action which were actually never responded to, as per all the data and information lying with the undersigned. Moreover, it is found on record that the has also requested the authorities to advise for future course of action in the matter as he was also one of the respondents in the related Court cases, as the legal assistance should normally flow to the Head of Departments working in Government Medical College, Jammu through proper channel only which actually did not happen in the instant case. Surprisingly, he never received any notice or any kind of instructions in the matter from the then Principal, Government Medical College, Jammu with respect to the joining reports submitted by the petitioner on the basis of directions of the Hon'ble High Court. Therefore, Dr. Dinesh Kumar, in such circumstances was left with no other option but to comply with the interim directions of the Hon'ble High Court to allow Dr. Bhavna Sahni to work in the department till further orders. However, it has been noticed that Dr. Dinesh Kumar also complied with the directions of the authorities of the Institution and the Administrative Department (Health and Medical Education) when he was asked to serve the disengagement order to Dr. Bhavna Shani and he did so, as per the directions and even promptly mailed same to her during her absentia in compliance to the directions.*

*Also, the above facts and records reveal that Dr. Dinesh Kumar was complying with the directions of the Hon'ble High Court to avoid any adverse repercussion of same upon him by the Hon'ble High Court as it could have led*



*even upto his personal contempt for disobeying of such Court directions being one of the respondents. Further, he complied with the directions of the Hon'ble High Court while informing requisite authorities. i.e the then Principal, Government Medical College, Jammu from time to time. Had proper legal assistance/advice been provided to him in time, he would have acted promptly upon same but instead, it seems that his case was projected in a different manner by the then Principal, Government Medical College, Jammu to the Administrative Department instead of helping him with timely and prompt legal advice which was the need of that hour. Therefore, it has come forth that Dr. Dinesh Kumar never acted in a delinquent and arbitrary manner against the Government and has never violated the protocol / SOPs but he only complied with the directions of the Hon'ble High Court which were issued against the action of the Government w.r.t. disengagement of Dr. Bhavna Sahni and he did so merely out of compulsive circumstances which had arisen especially when he was left with no other option, as he was not properly advised/assisted to act upon to handle that situation which has been mentioned elaborately in the foregoing paras.*

*Subsequently, on the directions of the Hon'ble High Court, the Government Order No.812-HME of 2019 dated 12.09.2019 vide which Dr. Dinesh Kumar was attached with the Director, Health Services, Jammu which has been stayed and now, he is actively performing his duties as Professor and Head, Community Medicine (P&SM) Department, Government Medical College, Jammu which is clearly evident from several orders and activities being assigned to him by the Administrative Department (Health and Medical Education) and Principal, Government Medical College, Jammu even as on date especially with respect of COVID-19 control efforts in the capacity as HoD, Community Medicine(P&SM) Department.*

**AND WHEREAS,** the Inquiry Officer concluded that there has been no fault on part of Dr. Dinesh Kumar, Professor & Head, Department of S&PM, as he had allowed Dr. Bhavna Sahni to join back only in order to comply with the orders of the Hon'ble High Court and also in order to prevent further adverse orders, as he was also a respondent in the case filed by Dr. Bhavna Sahni before the Hon'ble High Court and that he allowed her to join back under proper intimation to the Head of the Institution viz the Principal, Government Medical College, Jammu.





**AND WHEREAS,** the report furnished by the Inquiry Officer was examined in the Health and Medical Education Department and it was decided to accept the report and drop the charges against Dr. Dinesh Kumar, Professor & Head, Department of S&PM, Government Medical College, Jammu and to close the case.

Now, therefore, the charges served on Dr. Dinesh Kumar, Professor and Head Department of S&PM, Government Medical College, Jammu, vide Office Memorandum dated 23.01.2020, are hereby dropped and the disciplinary proceedings initiated against him are closed.

**By order of the Government of Jammu and Kashmir.**

**Sd/-**

**(Atal Dulloo) IAS**

Financial Commissioner,

Health & Medical Education Department

Dated: 07.08.2020

No. No.ME-Gaz/35/2006-Part file

Copy to the:-

1. Principal Secretary to the Lieutenant Governor.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
3. Principal, Government Medical College, Jammu.
4. Director, Archives, Archaeology & Museums, J&K.
5. Administrator Associated Hospitals, Jammu.
6. Dr. Dinesh Kumar, Professor and Head Department of S&PM, Government Medical College, Jammu
7. OSD to Advisor (B) (Incharge Health and Medical Education).
8. Private Secretary to the Financial Commissioner, Health and Medical Education Department.
9. I/C Website.
10. Government order File (w.2.s.c/Stock file).



**(Nasir Bilal Shah)**

Under Secretary to the Government  
Health & Medical Education Department