



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

Subject: - Implementation of judgment dated 17.4.2015 passed by the Hon'ble High Court at Srinagar in SWP No. 476/2014 titled Dr. Showkat Hussain Yatoo V/s State & Ors-

Government Order No: - 190 H&ME of 2019  
Dated: - 20 - 02 - 2019

WHEREAS, Dr. Showkat Hussain Yatoo was appointed as Medical officer (Unani) vide Govt. order No.231-HME of 1993 dated.10.03.1993;

AND WHEREAS, on the basis of recommendations of Public Service Commission followed by, court judgment, Dr. Showkat Hussain Yatoo was regularized as B-Grade Specialist notionally w.e.f 01.05.2000 and regularly w.e.f. 17.02.2002, vide Govt. order No.444-HME of 2007 dated.06.07.2007;


AND WHEREAS , Dr. Showkat Hussain Yatoo, B-Grade Specialist ( Unani) filed a writ petition No.476/2015 before Hon'ble High Court Srinagar prayed for issuance of direction to the respondents for his promotion against the post of A-Grade specialist (Unani) on substantive basis from the date he became eligible and the post was available;

AND WHEREAS , the Hon'ble Court disposed of the aforesaid writ petition on 17.4.2015 with following direction:-

**" The respondents are directed to comply with their own statutory rules in respect of posts of A-Grade Specialist in Health and Medical Education Department and refer the same to Departmental Promotion Committee/Public Service Commission. The DPC/PSC to consider all the eligible candidates in accordance with rules for being appointed by way of promotion on the aforesaid posts. The respondents to comply with the aforesaid statutory rules and make promotion within three months from the date copy of this order is served."**

AND WHEREAS , Dr.Showkat Hussain Yatoo filed a contempt Petition No. 879/2015 in SWP No. 476 of 2014 titled Dr.Showkat Hussain Yatoo V/S Dr.M.K.Bandhari and Anr before the Hon'ble Court at Srinagar for non compliance of aforesaid judgment of the Hon'ble Court.

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AND WHEREAS , the Contempt Petition No. 879/2015 in SWP No. 476/2014 came up for hearing again on 13.02.2019 and Hon'ble court directed for compliance of the judgment dated 17<sup>th</sup> April, 2015.

AND WHEREAS , as per J&K Indian Systems of Medicine (Gazetted) Recruitment Rules, notified vide SRO-379 of 2006 dated.12.12.2006, the method of recruitment for the post of A-Grade Specialist (Unani) in the pay scale of 12000-16500 (pre-revised) is as under:-

*"By promotion from class III category B (B-Grade Specialist (Unani) from amongst the Medical officers who possess PG (Unani) recognized by CCIM having at least five years service in the feeding cadre".*

AND WHEREAS , the department after examining/considering the case of the petitioner in pursuance of the aforesaid judgment dated 17<sup>th</sup> of April, 2015 passed by the Hon'ble Court decided that the case of the petitioner alongwith other eligible candidates shall be placed before the DPC/PSC for considering their promotion against the post of A- grade Specialist in accordance with rules governing the field and it was also decided that till their cases are placed before the DPC/PSC, the petitioner Dr. Showkat Hussain Yatoo is placed as A- Grade Specialist (Unani) on officiating basis in his own pay & grade.

Now therefore, in compliance to the judgment dated April, 17<sup>th</sup> 2015 passed by Hon'ble High court at Srinagar in SWP No. 476/2014, It is hereby ordered that Dr. Showkat Hussain Yatoo, B-Grade Specialist (Unani) is placed as in-charge A Grade Specialist (Unani) in his own pay and grade with charge allowance as admissible under rules, and his case along with other eligible candidates shall be referred to the J&K Public Service Commission for considering their promotion against the post of A-Grade Specialist ( Unani) on substantive basis.

By order of the Government of Jammu & Kashmir

**Sd/-**

**(Atal Dulloo) IAS**

Principal Secretary to the Government  
Health and Medical Education Department

No:-HD/Legal/ISM/MR-162/2015-K

Dated:- 20 -02-2019

Copy to the:-

01/ Director Indian System of Medicines, J&K, Jammu.

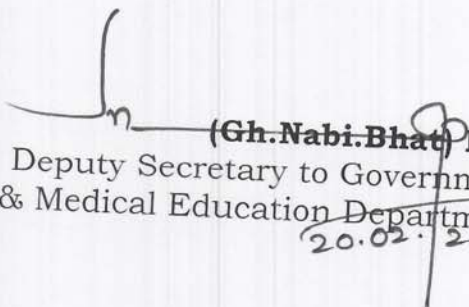
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- 02/ Director Archives Archaeology & Museums, J&K, Jammu.
- 03/ Sh. Shah Amir, Additional Advocate General, J&K High Court, Sgr for appraisal of Hon'ble Court.
- 04/ Additional Secretary (Legal) Health and Medical Education Department.
- 05/ Dr. Showkat Hussain Yattoo, Incharge A-Grade Specialist (Unani) for information and compliance.
- 06/ Pvt. Secretary to Principal Secretary to the Government, Health and Medical Education Department.
- 07/ Incharge Website.
- 08/ Office Order file
- 09/ Monday Return file ( w.2.s.c)

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(Gh. Nabi Bhat) KAS  
Deputy Secretary to Government  
Health & Medical Education Department  
20.02.2019