



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

Subject: SWP No. 1261/2018, IA No. 01/2018 titled
Manzoor Ahmad Wani v/s State & ors.

Government Order No. 33 -HME of 2019

D a t e d: 09 .01.2019

Whereas, the Director, Health Services, Kashmir, in two spells, referred 200 posts of Medical Assistant (now called pharmacist) to SSRB for advertisement. In first spell, 65 and in second spell, 135 posts were referred; and

Whereas, Service Selection Board furnished the selection list of 200 candidates and the said list of candidates stands forwarded to Director Health Services, Kashmir for issuance of appointment orders; and

Whereas, Afterwards, a No. of writ petitions were filed by different petitioners, who were not selected by the Service Selection Board, for their appointment to the post of pharmacist; and

Whereas, on the directions of the Hon'ble Court, different petitioners were appointed against the post of Medical Assistant (now called pharmacist) from time to time; and

Whereas, vide G.O. No. 117-HME of 2017 dated 06.03.2017, sanction was accorded in favour of Director Health Services, Kashmir to appoint the following 07 candidates/petitioners as Medical Assistants (now called Pharmacists) duly verified by SSB:-

Am

| S. No. | Name |
|--------|----------------------------|
| 1. | Mr. Anwar-ul-Hassan Chesti |
| 2. | Mr. Mohammad Ashraf Rather |
| 3. | Mr. Mohammad Afaaq Shah |
| 4. | Mr. Abdul Rashid Baba |
| 5. | Mr. Mohammad Yousuf Reshi |
| 6. | Mr. Mohammad Muzaffar War |
| 7. | Mr. Manzoor Ahmad Wani |

Whereas, the Director Health Services, Kashmir vide his order No. 96/NG of 2017 dated 03.03.2017 issued appointment orders in favour of the aforementioned seven candidates including the petitioner Mr. Manzoor Ahmad Wani; and

Whereas, the petitioner Mr. Manzoor Ahmad Wani filed SWP No. 1261/2018 titled Manzoor Ahmad Wani v/s State and others and prayed that their services shall not be governed by SRO. 400 of 2009 and accord retrospective effect to their appointment from 1992 when the similarly situated candidates were considered; and

Whereas, the Hon'ble Court vide its interim order dated 07.06.2018 passed in SWP No. 1261/2018 IA No. 01/2018 titled Manzoor Ahmad Wani V/s State and others directed as under:-

"The application is disposed of with a direction to the respondents to accord consideration to the representation filed by the petitioner, which is attached as annexure-D to the petition, and file compliance report".

Whereas, the Director, Health Services clearly mentioned in the aforesaid order that their appointment shall be governed by SRO-400 of 2009 dated 31.12.2009 (New Pension Scheme); and

Am



Whereas, the applicants in the representation have mentioned that they have accepted the appointment under protest, which means that they have accepted all the terms and conditions including that their services are governed by SRO-400 of 2009 (New Pension Scheme); and

Now therefore, in compliance with interim order dated 07.06.2018 passed by Hon'ble high Court in SWP No. 1261/2018 IA No. 01/2018 titled Manzoor Ahmad Wani V/s State and others the case was considered and found devoid of merits and hence rejected.

By order of the Government of Jammu & Kashmir.

Sd/-

(Atal Dullo)IAS

Principal Secretary to Government,
Health & Medical Education Department

No. HD/Legal/NG/MR-89/2018

Dated: 09 .01.2019

Copy to the:-

1. Principal Secretary to Government, Finance Department.
2. Director, Health Services, Kashmir.
3. Director, Achieves, Archaeology and Museums J&K Jammu.
4. Private Secretary to Principal Secretary to Govt., Health & Medical Education Department.
5. Incharge website.
6. Government Order file/Stock file (w. 3 s.c)


(Javaid Ahmad Malik)

Under Secretary to Government
Health & Medical Education Department

