

Government of Jammu and Kashmir
Health & Medical Education Department

Civil Secretariat, Jammu.

Subject: Cancellation of appointments.

- Ref: i. Government Order No: 49-HME of 2019 dated 14-01-2019, G.O.No:123-HME of 2019 dated 01-02-2019, G.O.No:181-HME of 2019 dated 13-02-2019 and G.O. No: 191-HME of 2019 dated 21-02-2019 issued by H&ME Department.
- ii. No.ES-3/107-117 dated 12-04-2019, from Directorate of Health Services, Jammu and No: ES-3/1-133/135 dated 16-04-2019 from Directorate of Health Services, Kashmir.

Government Order No: 429 -HME of 2019
Dated: 18 -04- 2019

WHEREAS, on the recommendations of the J&K Public Service Commission, sanction vide Government Order No 49-HME of 2019 dated 14-01-2019, was accorded to the temporary appointment of nine hundred and twenty one (921) candidates as Medical Officers in the Jammu and Kashmir Health and Family Welfare (Gazetted) Service in the pay band of Rs. 9300-34800+GP 5400 {(pre-revised); now revised to Level-9 (52700-166700)}, along with their postings, subject to the following conditions:-

- A) The appointment of the candidates shall be strictly governed by the conditions laid down in the Jammu and Kashmir Special Recruitment Rules notified vide SRO 202 of 2015 dated 30.06.2015.
- B) The appointee(s) shall not be allowed to continue with PG/ tenures of Senior Residency/ Registrarship/ Demonstratorship and they will have only one choice either to opt for appointment or opt out and go for PG/ tenures of Senior Residency/ Registrarship/ Demonstratorship in which case candidates from the waiting list will be considered for appointment.
- C) The appointee(s) shall submit their joining reports to their concerned Drawing and Disbursing officers(DDOs) within a period of 21 days from the date of issuance of appointment order and in case of failure of any appointee to join within the stipulated period, his/her appointment shall be deemed to have been cancelled ab-initio without any further notice.
- D) The appointee(s) shall be allowed to join by the concerned Drawing and Disbursing officers(DDOs) only on production of the following certificates in original:-
- Academic/Technical Qualification Certificates.
 - Matriculation/Date of Birth Certificate.

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- iii. Health Certificate issued by the Standing Medical Board.
 - iv. Permanent Resident Certificate issued by the Competent Authority.
 - v. Certificates from the District Industries Centre(DIC) and District Employment & Counseling Centre to the effect that no loan under the self employment scheme has been taken by the appointee.
 - vi. Relevant category certificate(s), (in case of candidates belonging to reserved categories).
 - vii. Any other certificates/documents as required under rules/norms.
- E) The appointee(s) shall give an undertaking duly attested by the First Class Judicial Magistrate in the shape of an affidavit to the effect that in case adverse report about his/her character and antecedents is received from Inspector General of Police (CID), J&K to whom a reference shall be made by the Directorate Health Services Jammu/Kashmir, after the cases for such verifications are received from the concerned Drawing and Disbursing officers(DDOs), the candidate(s) shall have no right to claim his/her appointment as Medical Officer and his/her appointment as such shall be deemed to have been cancelled ab-initio without further notice.
- F) If on verification, the Certificate(s) produced by the appointee(s) are proved to be fake or forged, the appointment shall be deemed to have been cancelled ab-initio without further notice.
- G) The salary of the appointee shall not be drawn and disbursed to him/her unless the satisfactory reports in respect of (E) and (F) above are received in his favour.
- H) The appointees shall be initially on probation for a period of Five (05) years and after completion of 05 years of their services, they shall be declared as permanent as per SRO 202 dated: 30.06.2015 and J&K Civil Services (Classification, Control and Appeal) Rules 1956.
- I) The appointees shall give an undertaking duly attested by the First Class Judicial Magistrate in the shape of an affidavit to the effect that:-
- i. he/she shall abide by all the terms & conditions as laid down in the appointment order.
 - ii. he/she shall not claim for any kind of leave, permission or exception to continue with his/her PG/ tenures of Senior Residency/ Registrarship/ Demonstratorship.
 - iii. he/she shall necessarily work for a period of Five (05) years of probation on the post against which he/she has been appointed.
 - iv. he/she shall not be eligible for transfer for whatsoever reason during the temporary service of 05 years and in case of candidates who are residents of backward area or an area adjoining Line of Actual Control, for a period of not less than seven years.

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- v. he/she shall be liable for action as warranted under rules for violating any of the laid down conditions in the appointment order.
- J) The interim arrangement, if any, made on contract/deputation or an academic arrangement basis against the aforesaid posts of Medical Officers shall be deemed to have been terminated forthwith.
- K) The inter-se-seniority of the appointees shall be drawn in accordance with the merit secured by these appointees in the selection list prepared by the J&K Public Service Commission.
- L) The appointment of the candidates shall be subject to outcome of the writ petition (s), if any, pending before any Competent Court of Law.

AND WHEREAS, aforesaid Government order was challenged before the Hon'ble High Court in both wings Srinagar/Jammu by way of various writ petitions;

AND WHEREAS, the Hon'ble High court passed directions in these writ petition from time to time, the department after examining/considering the orders of the Hon'ble Court passed in these writ petitions passed following directions vide Government Order No: 174-HME of 2019 dated 12-02-2019:-

"Now, therefore, in compliance to aforesaid directions of Hon'ble High Court at Srinagar passed in various writ petitions, the case of the petitions have duly been considered and it is hereby ordered that the petitioners/appointees shall not be allowed to continue with PG/tenures of Senior Residency/Registrarship/Demonstratorship and they will have only one choice either to opt for appointment or opt out and go for PG/tenures of Senior Residency/Registrarship/Demonstratorship. Accordingly, all the petitioner in this regard are directed to report at their place of postings ordered vide Government Order No: 49-HME of 2019 dated 14-01-2019 with in a period of 10 days from the date of issuance of this order failing which their appointments shall be deemed to have been cancelled ab-initio and candidates from the waiting list will be considered for appointment without any further notice."

AND WHEREAS, Hon'ble High Court on 19.02.2019 dismissed the application in SWP No. 249/2019, IA No. 01/2019 IA No. 02/2019-titled Dr. Aezaz Ahmad Bhat Ors Vs State of J&K & Ors with following observations:-

"Admittedly, the selection and appointment of the petitioners has been made in terms of Jammu & Kashmir Special Recruitment Rules, 2015, notified vide SRO 202 of 2015 and by application of the said rules, there is no scope for the petitioners to seek extension in joining time from the Court. Court cannot pass a direction by extending the period of joining till petitioners complete their PG Course/tenure appointments as Registrarship/Senior Residency/Demonstratorship, which in case allowed will amount to interference with the decision of the

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Government. The Government has while making appointments of the petitioners on the recommendations of the PSC, against the post of Medical Officers, consequently posted them in various areas of the State of J&K and provided the joining time with the object of making available the doctors in the most far flung and other areas of State of J&K. The requirement for providing doctors to the patients in the State of J&K is in fulfillment of dire need of such areas, therefore, these appointments are made with reference to special creations under the Special Recruitment Rules. The word 'Special' in the recruitment rules by its simple meaning has reference to involving the public interest. Therefore, the Government in order to meet the public interest, have made these appointments and postings of the petitioners. In the event, the submission of learned appearing counsel for the petitioners is accepted and any indulgence shown by grant of interim relief, same will amount to depriving the patient care of the far flung areas from Medical Officers. The posts cannot be kept unfilled on account of non-availability of these petitioners who are hundreds in number, resultantly keeping the Government Health Institution in far flung areas without Doctors.

The petitioner are undergoing PG course in difference disciplines of medical education at various institutes and in the event they join the past, they have to half way leave the course, resultantly as submitted by Mr. Z.A. Shah, senior counsel appearing for the petitioners may deprive them of having higher education qualification medical degrees, but it is for the petitioners to decide as to whether they want to continue with PG course/tenure appointments as Registrarship/ Senior Residency/ Demonstratorship or to join the post of Medical Officers against which post they have been appointed on the recommendation of Public service Commission. In the event the petitioners chose not to join the posts, **the Government cannot be asked to keep these posts vacant, as they require the Doctors, therefore, they are at liberty to fill up these posts out of the waiting list, so as to ensure making available the Medical Officers to the patients in the far flung areas.** In that view of the matter, the application seeking interim relief is **dismissed.**"

AND WHEREAS, due to inclement weather conditions prevailing in the State at that point of time, the Health & Medical Education Department, on the recommendations of Divisional Commissioner, Kashmir, extended joining time of the newly appointed Medical Officers vide G.O.No:123-HME of 2019 dated 01-02-2019, G.O.No:181-HME of 2019 dated 13-02-2019 and G.O. No: 191-HME of 2019 dated 21-02-2019 **upto 26-02-2019** wherein it was categorically mentioned that in case the newly appointed Medical Officers fail to join at their respective place of postings within stipulated period of time their appointments shall be deemed to have been cancelled ab-initio and candidates from the waiting list shall be considered for appointment, without any further notice;

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AND WHEREAS, on the recommendations of the Directorate of Health Services, Jammu and Directorate of Health Services, Kashmir, the appointments in respect of 437 Medical Officers appointed vide Government Order No: 49-HME of 2019 dated 14-01-2019 were cancelled vide Government Order No: 333-HME of 2019 dated 14-03-2019 for not joining at their respective place of posting within the stipulated period of time;

AND WHEREAS, the Directorate of Health Services, Jammu vide No.ES-3/107-117 dated 12-04-2019 and Directorate of Health Services, Kashmir vide No. ES-3/1-133/135 dated 16-04-2019 have furnished the information/particulars of the additional 30 Medical Officers, who have not joined at their respective place of postings upto the last date of joining;

Now, therefore, it is hereby ordered that the appointments in respect of **30** Medical Officers appointed vide Government Order No: 49-HME of 2019 dated 14-01-2019, whose details are indicated in **Annexure 'A'** to this Order, shall be deemed to have been cancelled, ab-initio.

By Order of the Government of Jammu & Kashmir.

Sd/-

(Atal Dulloo) IAS

Principal Secretary to the Government
Health and Medical Education Department

No. HD/Gaz/204/2018-III

Dated:18-04-2019

Copy to the:-

1. Ld. Advocate General, J&K.
2. Principal Secretary to the Hon'ble Governor.
3. Divisional Commissioner, Kashmir/Jammu.
4. Commissioner/Secretary to the Government, General Administration Department.
5. Secretary to the Government, Department of Law, Justice & Parliamentary Affairs.
6. Director Information, J&K, Jammu. He is requested to give wide publicity to the same.
7. Director, Health Services, Jammu.
8. Director, Health Services, Kashmir.
9. OSD with Advisor (K) to Hon'ble Governor.
10. Director, Archives, Archaeology & Museums, J&K, Jammu.
11. Private Secretary to the Chief Secretary.
12. Concerned.
13. Private Secretary to the Principal Secretary to Government, Health and Medical Education Department.
14. I/C Website, Health and Medical Education Department.
15. Government Order file/Stock file.

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(Mohammad Iqbal Lone)

Under Secretary to the Government
Health & Medical Education Department

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Annexure 'A' to Government Order No: 429-HME of 2019
Dated: 18 -04- 2019

S. No	S. No. in the G.O No:49-HME of 2019 dated: 14-01-2019	Name	Parentage	Address	Cat.	PLACE OF POSTING
1.	47	FAHEEM UL ISLAM	MOHD SHAFI BHAT	87 KHANAGUND ARIPAL TRAL	OM/RBA	E.H. BANIHAL
2.	105	AABID HUSSAIN	ABDUL AHAD AHANGAR	JOGIWAN AMDAKADAL LAL BAZAR	OM/SLC	CHC GOOL RAMBAN
3.	125	SHEIKH SABAT	MOHD IQBAL SHEIKH	204 BILAL COLONY KRANGSOO PAI BUGH ANANTNAG	OM	NTPHC KASKOTE RAMBAN
4.	265	MUNEEB UL ISLAM	AB HAMEED THOKER	022 PADARPORA SHOPIAN	OM	CHC SURANKOTE POONCH
5.	277	SHIRAZ AHMAD BHAT	GH MOHMAD BHAT	SAIMOH TRAL PULWAMA	OM	PHC FAIZLABAD POONCH
6.	337	AAYUSHI	VIRANDER KUMAR	WARD NO 03 LANE NO 03 SHIV PURI KATHUA	OM	PHC RAMKOTE KATHUA
7.	455	SAJAD RASHID MIR	AB RASHID MIR	MURAN PULWAMA	OM	NTPHC SATHRA POONCH
8.	477	SYED NADEEM RAFIQ	SYED RAFEEQ AHMAD SHAH	12 SHAH MOHALLA MIDOORA AWANTIPORA PULWAMA	OM	NTPHC DIGWAR POONCH
9.	482	SIDRA DAR	TARIQ MEHMOOD DAR	VILL POSHANA POSHANA SURANKOTE	OM/RBA	PHC FAZLAABAD POONCH
10.	486	SYED AADIL SHADAAB ANDRABI	SYED IRSHAD AHMAD ANDRABI	PEER MOHALLA RATNIPORA PULWAMA	OM	NTPHC PLAEERA POONCH
11.	504	UMAR MALIK	SHABIR MALIK	#NAME?	OM/RBA	DH POONCH
12.	512	IMTIYAZ AHMAD DAR	ASSAD ULLAH DAR	HOUSE NO 3 AL FALAH COLONY LAR GANDBAL	OM	CHC CHIKTAN KARGIL
13.	526	GH HUSSAIN MIR	ALI MOHD MIR	111 GANGOO NENGARPOA PULWAMA	OM	PHC HARNI POONCH
14.	532	ISHTIYAZ AHMAD DAR	ABDUL GANI DAR	36 GOOSU PULWAMA	OM	PHC CHATRYAL POONCH
15.	533	S WAJAHAT ANDRABI	SYED AJAZ AHMAD ANDRABI	95 RATNIPORA PULWAMA	OM	PHC DHARGLOON POONCH
16.	539	IMTIYAZ AHMAD BEIGH	GULAM MOHI UD DIN BEIGH	100 WANPORA PAMPPORE PULWAMA	OM	PHC CHAJLA MANKOTE POONCH
17.	553	AARIF HUSSAIN	GH MOHD RATHER	01 SOGAM CHADOORA BUDGAM.	RBA	NTPHC CHENJER KISHTWAR
18.	576	IMRAN QAYOOM	ABDUL QAYOOM MIR	BADIPORA TEHSIL CHADOORA BUDGAM.	RBA	CHC DARHAL RAJOURI
19.	577	RAHEEL HUSSAN NAQVI	YASIN SHAH BUKHARI	VILLAGE GURSAI MENDHAR POONCH.	RBA	NTPHC SANGIOTE POONCH
20.	613	JAVAID IQBAL GULSHAN	MOHAMMED AKHLAQ	HOUSE NO. 76 BLOCK NO. 84 MENDHAR	RBA	NTPHC KASABLARA POONCH
21.	614	SALEEM YOUSUF	MOHD YOUSUF MALLA	SOGAM CHADOORA BUDGAM.	RBA	PHC BUFFLIAZ POONCH
22.	620	YOUNIS AHMAD DAR	GH MOHD DAR	LAKHRIPORA BUDGAM	RBA	NTPHC SANGLA POONCH
23.	640	MOHD ADIL	MOHD SHARIEF	NEAR OLD TEHSIL SAMOTE SURANKOTE, POONCH.	ST	CHC SURANKOTE POONCH
24.	663	ATHAR RASHID WANI	ABDUL RASHID WANI	REPORA NAMTHAL CHADGORA BUDGAM.	RBA	NTPHC BALNOI POONCH
25.	735	MUZAFFAR HUSSAIN MIR	MOHD HUSSAIN MIR	123 KAMAD DIALGAM ANANTNAG.	RBA	NTPHC SERI KHAWAJA POONCH

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26.	774	ABAS KHAN	MOHD LATIEF KHAN	R/O VILLAGE SAGRA TEHSIL MANKOTE MENDHAR POONCH.	ALC	NTPHC SATHARA POONCH
27.	787	PERVIZ AHMAD RESHI	GH RASOOL RESHI	301 KAMAD ANANTNAG	RBA	NTPHC TANGSEY LEH
28.	813	SAJAD AHMAD DAR	GH MOHAMMAD DAR	165 PANZAN CHADOORA BUDGAM.	RBA	NTPHC CHAMARER POONCH
29.	827	PAWAN KUMAR	BHAG SINGH	KABIR NAGAR W.NO. 17 KATHUA.	SC	TRAUMA HOSPITAL MAHANPUR KATHUA
30.	829	TAWSEEF ALTAF MIR	ALTAF HUSSAIN MIR	DEVALGAM KOKERNAG ANANTNAG	RBA	NTPHC AZAMABAD POONCH

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18/11/2019
(Mohammad Iqbal Lone)

Under Secretary to the Government
Health & Medical Education Department

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