



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

**Subject:** LPASW No. 257/2017, IA.No.01/2017 titled Dr. Naseema Banoo Vs Principal Secretary and Ors.

**Reference:** ES-3/1-133/6344 dated 19/01/2019 from Directorate of Health Services, Kashmir.

**Government Order No. 503 -HME of 2019**  
**Dated: 29 -05-2019**

WHEREAS, vide this department's Government Order No. 629-HME of 2017 dated 20.11.2017, Dr. Naseema Bano, Consultant, MCH, was transferred and posted at SDH, Gurez alongwith post;

AND WHEREAS, aggrieved by this Dr. Naseema Bano, filed SWP No.2430/2017 challenging her transfer from SDH, Gurez to CHC Sumbal alongwith post of Consultant MCH issued vide Government Order No. 629-HME of 2017 dated 20.11.2017;

AND WHEREAS, the Hon'ble High Court vide order dated 29.11.2017 passed in SWP No. 2430/2017 titled Dr. Naseema Bano Vs Principal Secretary and others dismissed the SWP as under:-

"the sole ground on which the order impugned was challenged is on the basis of his medical condition. However, in view of the settled legal position, this court cannot interfere with the order only on the basis of such alleged medical grounds.

For the reasons mentioned above, this petition is found to be without merit and is accordingly dismissed alongwith MP No.1/2016"

AND WHEREAS, the issue was again agitated vide LPA (SWP) No. 257/2017 IA No.1/2017 titled Naseema Bano Vs. Principal Secretary & Ors, however, vide order dated 07.09.2018, the Hon'ble High Court, disposed of the appeal as under:-

"In view thereof, this appeal is disposed of in the following terms:-

(i) Order dated 29<sup>th</sup> November, 2017 passed by the learned single judge as also the Government order dated 20<sup>th</sup>

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to the respondents to take a fresh view in the matter keeping in view the medical condition of the appellant and the above extracted medical opinion and pass appropriate orders.

(ii) Inasmuch as the appellant was continuing to work at Sub-District Hospital, Bandipora, in terms of her previous posting pursuant to the interim orders passed by this court, the respondents shall ensure that salary and all other emoluments to which the appellant is entitled to are released to her forthwith at the earliest."

AND WHEREAS, the issue was taken up with the Director Health Services Kashmir who vide communication No. Es-3/1-133/6344 dated 19.01.2019 intimated that keeping in view the orders of Hon'ble High Court and opinion of Medical Board Constituted by GMC Srinagar the Directorate office Kashmir has no objection if Dr. Naseema Banoo, Consultant MCH is allowed to join her duties and posted at CHC Sumbal alongwith the post of Consultant MCH pending settlement of her intervening period;

AND WHEREAS, the recommendations of the Directorate of Health Services, Kashmir has been examined and it has been decided that the petitioner may be posted at CHC Sumbal alongwith post of Consultant MCH.

Now, therefore, in compliance to judgement dated 07.09.2018 passed by the Hon'ble High Court in LPASW No. 257/2017 IA No.1/2017, it is hereby ordered that Dr. Naseema Bano, Consultant, MCH is posted at CHC Sumbal alongwith post of Consultant MCH.

By order of the Government of Jammu and Kashmir.

Sd/-  
(Atal Dulloo) IAS  
Principal Secretary to the Government  
Health & Medical Education Department

Dated: 29.05.2019

HD/Legal/Gaz/MR-197/2017-N

Copy to the:-

1. Director Health Services, Kashmir.
2. Director, Archives, Archaeology & Museums, J&K.
3. Sh. Shah Aamir, Additional Advocate General, Srinagar.
4. OSD to Advisor (K) to the Hon'ble Governor.
5. Pvt. Secretary to Principal Secretary to the Government, Health & Medical Education Department.
6. Concerned Doctor.
7. I/c Website, Health and Medical Education Department.
8. Government Order file/Stock file.

(Mohammad Iqbal Lone)

Under Secretary to the Government.  
Health & Medical Education Department



