



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

Subject: Review of Regularization/Promotion of Dr. Kulbhushan Gupta as Assistant Professor in the discipline of Radio Diagnosis in Government Medical, Jammu.

Reference: Clearance of J&K, PSC conveyed vide letter No. PSC/DPC/ME/25/2017 dated 13.11.2018.

Government Order No: - 54 -HME of 2019

Dated : 16 -01-2019

WHEREAS, on the recommendation of J&K Public Service Commission, Dr. Kulbhushan Gupta was appointed as Lecturer in the Department of Radio Diagnosis in Government Medical College, Jammu vide Government Order No. 588-HME of 2007 dated 03.09.2007;

AND WHEREAS, vide Govt. order No. 380-HME of 2012 dated 25-05-2012 he was promoted as Assistant Professor w.e.f 08-09-2011 on the recommendations DPC/PSC;

AND WHEREAS, Dr. Kulbhushan Gupta approached the Hon'ble High Court through writ petition No. 972/2011 and SWP No. 2213/2012 titled "Dr. Kulbhushan Gupta Vs State and others" claiming notional benefits of promotion from the date he became eligible for promotion to the post of Assistant Professor viz w.e.f 03.09.2010;

AND WHEREAS, the Hon'ble High Court disposed of the said writ petition(s) on 07-12-2016 with the following direction:

"I have considered the submission made by the Learned Council for the parties. It is not in dispute that a bench of a Court on 23-09-2011 had directed the respondents to consider the case of petitioner for promotion to the post of Assistant Professor on notional basis. It is not in dispute that the vacancies for post of Assistant Professor (Radio Diagnosis) were lying vacant. It is also not in dispute that in the agenda note prepared by the DPC, the case of the petitioner has been recommended for promotion w.e.f 3rd September 2010. Admittedly, the respondent 03 is junior to the petitioner, therefore, in the fact situation of the case, the action of the respondents to promote the petitioner on the substantive post in question w.e.f 08-09-2011 cannot be sustained. The respondents are directed to accord the benefit of promotion to the petitioner w.e.f 3rd September, 2010 on the post of Assistant Professor as per the recommendation contained in the agenda note prepared by the DPC. Let this exercise be carried out

within a period of three months from the date of receipt of certified copy of the order passed by this court today”

AND WHEREAS, the case was examined in the department and it was found that the orders of the Hon'ble High Court have attained finality. Accordingly it was decided to take up the matter with the J&K, PSC for placing the same before the DPC/PSC for considering regularization of Dr. Kulbushan Gupta, as Assistant Professor, notionally w.e.f 03-09-2010 and on regular basis w.e.f 08-09-2011 so as to implement the orders of the Hon'ble Court;

AND WHEREAS, the matter was taken up with the J&K, PSC and the Commission vide No. PSC/DPC/HME/17/2012 dated 10.05.2012 conveyed the clearance of the DPC/ PSC in the following manner:-

“In compliance with the court orders passed in the case titled Dr. Kulbushan Gupta V/s State and Others, the DPC/PSC recommended the promotion of Dr. Kulbushan Gupta as Assistant Professor notionally from 03.09.2010 and regular basis from 08.09.2011 in the discipline of Radio Diagnosis as the orders of the Hon'ble High Court have attained finality”.

Now, therefore, in compliance to the directions of the Hon'ble High Court, sanction is hereby accorded to the promotion/regularization of Dr. Kulbushan Gupta as Assistant Professor, in the discipline of Radio Diagnosis, Government Medical College Jammu, notionally w.e.f 03.09.2010 and on regular basis w.e.f 08.09.2011.

By Order of the Government of Jammu and Kashmir.

Sd/-

(Atal Dulloo) IAS

Principal/Secretary to the Government,
Health and Medical Education Department

Dated: .01.2019

No. ME-Gaz-230/2018

Copy for information to the: -

1. Principal Government Medical College, Jammu.
2. Secretary, J&K Public Service Commission, Jammu.
3. OSD to Advisor (K) to Hon'ble Governor (I/C Health and Medical Education Department).
4. Concerned Officer.
5. Private Secretary to Principal Secretary to the Government, Health and Medical Education Department.
6. PA to Additional Secretary (M) Health and Medical Education Department.
7. I/C Website.
8. Government order File (w.2.s.e/Stock file).



(Nissar Ahmad Wani)

Under Secretary to the Government
Health and Medical Education Department

