



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

Subject:- Cancellation of study leave in favour of Dr. Shaziya Gul as Lady Medical Officer in the discipline of Urban Training Health Centre in Government Medical College, Anantnag.

GOVERNMENT ORDER NO:- 733 -HME OF 2019
D A T E:- 29 - 07 - 2019

WHEREAS, on the recommendations of J&K Public Service Commission, vide Government Order No. 249-HME of 2019 dated 28.02.2019, Dr. Shaziya Gul, was appointed as Lady Medical Officer in the discipline of Urban Training Health Centre in Government Medical College, Anantnag with condition that the appointee shall report to the Principal, Government Medical College, Anantnag within a period of 21 (twenty one) days from the date of issuance of the appointment order and in case of failure of the appointee to join within the stipulated period, her appointment shall be deemed to have been cancelled without any further notice;

AND WHEREAS, the Principal, Government Medical College, Anantnag vide his letter No. GMCA/Estt/2019/766 dated 24.04.2019 has reported that Dr. Shaziya Gul, Lady Medical Officer after submitting his joining report in Government Medical College Anantnag applied for grant of study leave and is absconding from her duties;

AND WHEREAS, Dr. Shazya Gull approached the Hon'ble High Court of J&K at Srinagar through the medium of SWP No. 680/2019 dated 29.03.2019 titled Dr. Shaziya Gul & State of J&K, praying in their petition that she is undergoing Senior Residency/ higher studies and prayed for a direction from the Hon'ble Court to the respondents that she may be allowed to continue with her Senior Residency/ Higher studies and allowed to joining only after completion of her Senior Residency / higher studies;

AND WHEREAS, the Hon'ble High Court has passed the following directions in the matter:-

"Learned Counsel for the petitioner states that he would be satisfied if such a liberty I given to the petitioner as well for enabling her to apply for the study leave. If the same is otherwise permissible.

This petition is accordingly disposed of given liberty to the petitioner to approach the respondents for grant of study leave in terms of SRO-274 of 2013. The case of the petitioner be considered strictly in accordance with the rules and appropriate orders be passed."

AND WHEREAS, the case has been examined in the Department in light of the orders of Hon'ble High Court and as per Rule 61(4) of Jammu and Kashmir Leave Rules, 1979 which reads as under:-

(4) *Study leave shall not ordinarily be granted to a Government servant:*

(i) who has rendered less than three year's service under the Government or till he/she, if probationer, does not complete the period of probation satisfactorily whichever is later.

Now, therefore, in view of the above rule position, the study leave in favour of Dr. Shaziya Gul does not merit any consideration and is hence rejected and Dr. Shaziya Gul is directed to resume her duties within a period of seven days from the date of issuance of this order, failing which it will be presumed that she is not interested in joining as Lady Medical Officer, Government Medical College, Anantnag, appointment to which was made vide Govt. Order No. 249-HME of 2019 dated 28.02.2019 and her appointment shall be treated to have been cancelled ab-initio and she shall be deemed to have been discharged from the probation in pursuance of J&K Civil Services (Classification, Control & Appeal) Rules, 1956.

Sd/-

(Atal Dulloo) IAS

Financial Commissioner

Health & Medical Education Department

Dated: 29-07-2019

No. ME/GAZ-New.GMC/71/2019

Copy to the:-

1. Secretary, J&K Public Service Commission, Srinagar
2. Principal, Government Medical College, Anantnag
3. Director, Archives, Archaeology and Museums, J&K, Srinagar.
4. OSD to Advisor (K) to Hon'ble Governor (I/C Health & Medical Education).
5. Additional Secretary (Law), Health & Medical Education Department.
6. Pvt. Secretary to Financial Commissioner, , Health & Medical Education Department.
7. Concerned candidate.
8. PA to Additional Secretary to the Government, Health & Medical Education Department.
9. I/C Website.
10. Government Order file / stock file.

(Nasir Bilal Shah)

Under Secretary to the Government

Health and Medical Education Department