

GOVERNMENT OF JAMMU AND KASHMIR  
**HEALTH & MEDICAL EDUCATION DEPARTMENT**  
HUMAN RESOURCE MANAGEMENT BRANCH  
Civil Secretariat, J&K, Jammu.

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**Subject: Termination of probation and discharge from service thereof.**

**Government Order No. 120 -JK(HME) of 2021**  
**Dated: 16.02.2021**

**WHEREAS**, the Director, Health Services, Kashmir vide No. Est/3/1-133/2648-49 dated 17.12.2019 served show cause notices to 33 doctors who were pursuing higher studies within & outside the Union Territory of Jammu & Kashmir without prior permission from the competent authority. The show cause notices were also published in "Greater Kashmir" in its edition dated 21.12.2019;

**AND WHEREAS**, the Directors, Health Services, Kashmir vide communication No. Est/3/1-133/243 dated 22.01.2020 forwarded replies of 31 doctors who were undergoing various courses within and outside the Union Territory of Jammu & Kashmir without proper permission and on whom show cause notices were served;

**AND WHEREAS**, Rule 8(i) of J&K Civil Services Leave Rules, 1979 reads as under:-

**"Leave cannot be claimed as a matter of right".**

**AND WHEREAS**, Rule 25(2) of J&K Civil Services Leave Rules, 1979 reads as under:

**"Willful absence from duty after the expiry of leave renders a Government Servant liable to disciplinary action".**

**AND WHEREAS**, Article 128 of J&K Civil Services Regulations Volume-I envisages as under:

***"Absence without leave or after the end of leave involves loss of appointment, except as provided in Article 203(b) or when due to ill health in which case the absentee just produce the certificate of Medical Officer."***

**AND WHEREAS**, the reply to the show cause notice was examined in the department in light of the rule position and it was decided to initiate disciplinary proceedings in term of Rule 33 of the Jammu & Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 against all such doctors who are pursuing higher studies without proper permission within & outside of the UT of J&K,





**AND WHEREAS,** all the 31 unauthorizedly absent doctors were charge sheeted vide O.M. No. HME/HRM/07/2020 dated 14.07.2020 and Director, Health Services, Kashmir was asked to serve the Charge Sheets on each doctor individually. The doctors were directed to submit written statement of defense within 07 days of the receipt of the charge sheet to the Administrative Department and also state whether he/she desires to be heard in person or not;

**AND WHEREAS,** the Director Health Services, Kashmir vide letters No. Est/3/1-133/2047 dated 25.09.2020 & Est/3/1-133/2198 dated 12.10.2020 submitted among others reply/ statement of defense submitted by Dr. Bilal Ahmad Wani, Medical Officer. In his reply/statement of defense Dr. Bilal Ahmad Wani has requested the department to allow him, to accomplish the higher study course.

**AND WHEREAS,** the statement of defense/reply submitted by Dr. Bilal Ahmad Wani was examined in the department in light of rule position governing the subject and it was found out that he was appointed vide Government order No. 333-HME of 2018 dated 19.09.2018 and was posted as Medical Officer in Block Nagam. He joined DNB in Gastroenterology Superspeciality in Batra Hospital & Medical Research Institute, New Delhi on 05.09.2019;

**AND WHEREAS,** he was on probation when he unauthorizedly left for pursuing DNB in Gastroenterology Superspeciality in Batra Hospital & Medical Research Institute, New Delhi on 05.09.2019 without proper permission from the competent authority;

**AND WHEREAS,** Rule 21(1) of the J&K Civil Services (Classification, Control & Appeal) Rules, 1956 provides as under:-

**"At any time before the expiry of the prescribed period of probation, the appointing authority may:-**

- (a) suspend the probation of a probationer and discharge him from the service for want of vacancy; and**
- (b) at its discretion terminate the probation of a probationer and discharge him from the service".**

**AND WHEREAS,** Dr. Bilal Ahmad Wani, Medical Officer, has not resumed his duties till date and this is a voluntary act which is against the standing rules prescribed for employees on probation. He is liable to be discharged from Government services on account of unauthorized absence from duties and for not satisfactorily completing his period of probation;

**Now, therefore,** in exercise of powers conferred vide clause (b) of Rule 21 (1) of the Jammu & Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 and the provision of Article 128 of J&K Civil Service Regulations Volume-I, the probation of Dr. Bilal Ahmad Wani, Medical Officer, who



is on un-authorized absence from duties, is hereby terminated and he is discharged from the Government service with effect from 05.09.2019.

By order of the Government of Jammu & Kashmir.

Sd/-

**(Atal Dulloo) IAS**

Financial Commissioner  
Health & Medical Education Department

Dated: .02.2021

No. HME/HRM/07/2020

Copy to the:-

1. Principal Secretary to the Lieutenant Governor.
2. Joint Secretary, (J&K), Ministry of Home Affairs, Government of India.
3. Director, Archives, Archaeology & Museums, J&K, Jammu.
4. Director, Health Services, Kashmir/Jammu.
5. OSD with Advisor (B) to the Lieutenant Governor.
6. Private Secretary to the Financial Commissioner, Health & Medical Education Department.
7. Concerned doctor.
8. Government Order file/Stock file/Website HME.

  
**(Pamposh Ganju)**

Under Secretary to the Government  
Health & Medical Education Department

