

Government of Jammu & Kashmir
Health & Medical Education Department
Civil Secretariat, Jammu

Subject: Implementation of judgment dated 28.01.2019 passed by the Hon'ble High Court at Jammu in SWP No. 125 / 2019 titled Dr. Arun Dev Singh & Anr. Vs State of J&K & Others read with judgment dated 23.12.2020 passed in LPA No. 245/2019- titled State of Jammu and Kashmir & Others Vs Dr. Arun Dev Singh & Anr.

Government Order No: 193 JK(HME)of 2021

Dated: 16 -03-2021

WHEREAS, the Principal Government Medical College , Jammu vide Order No: 702 of 2019 dated: 08-01-2019 selected Dr. Arun Dev Singh, Medical Officer Sub District Hospital, Akhnoor and Dr. Shiffali Sarngal, Medical Officer attached with Directorate of Health Services, Jammu as Registrars in the discipline of Pathology, Government Medical College, Jammu on a tenure basis for a period of 03 years;

AND WHEREAS, the above Medical Officers approached the Hon'ble High Court at Jammu by way of SWP No. 125/ 2019 with the grievance that they have been selected as Registrars in the discipline of Pathology, Government Medical College Jammu, but the respondents have not relieved them to join against these posts;

AND WHEREAS, the Hon'ble High Court while disposing of the SWP No. 125/2019 titled Dr. Arun Dev Singh & Anr. Vs State of Jammu and Kashmir & Others on 28.01.2019 passed the following directions: -

"In view of the short controversy, this petition is admitted and disposed of at the threshold by directing respondent Nos. 1 & 2 to relieve the petitioners from the present place of posting to enable them to join on the post of Demonstrators in the Department of Pathology pursuant to Advertisement Notice No. JMC / ES-I / 109 / 1119 dated: 16-10-2018 issued by the respondent No. 4 and respondent No. 4, namely, Principal Government Medical College Jammu, is directed to allow the petitioners to join on the said post at the earliest."

AND WHEREAS, the Health and Medical Education Department filed an LPA bearing no. 245/2019 titled 'State of Jammu and

Kashmir and others Vs Dr. Arun Dev Singh & Anr.' against the aforesaid writ Court Judgment dated 28.01.2019. The Hon'ble Division Bench of the High Court at Jammu disposed of the said LPA on 23.12.2020 with the following observations /directions:

"Shri H.A. Siddiqui, Sr. AAG, Jammu fairly submits that pursuant to the judgment passed by the writ court, respondents have been permitted to join as Demonstrators and are serving in the Government Medical College, Jammu in their respective department. More than half of the tenure is already over and, therefore, this appeal for all practical purposes has been rendered infructuous. He however, submits that the issue with regard to the condition in the policy that a person who has already remained Demonstrator/Registrar in any of the Department in the SKIMS/Government Medical College is not eligible to be re-engaged/appointed as Demonstrator/Registrar as the case may be.

Having considered the submissions made by Shri H.A. Siddiqui, Sr. Additional Advocate General, Jammu and having heard Mr. Chandael, Learned Counsel for the respondents, we are of the view that this petition by the efflux of time and because of subsequent development is rendered infructuous and the same is accordingly disposed of."

AND WHEREAS, from perusal of the aforesaid judgment dated 23.12.2020 passed by the Hon'ble Division Bench of the High Court at Jammu in LPA No. 245/2019 titled 'State of Jammu and Kashmir & Others Vs Dr. Arun Dev Singh & Anr., it transpires that Mr. H.A. Siddiqui, Ld. Sr. AAG, Jammu has made submission before the Hon'ble Court that the respondents (Dr. Arun Dev Singh and Dr. Shiffali Sarngal , Medical Officers) have been permitted to join as Registrars and are serving at Government Medical College, Jammu in their respective Department and more than half of the tenure is already over and therefore , this appeal for all practical purposes has been rendered infructuous.

AND WHEREAS, in view of the aforesaid submission made by Mr. H.A. Siddiqui, Sr. AAG, Jammu before the Hon'ble Court in the instant case, the Hon'ble Division Bench of High Court at Jammu disposed of the LPA on 23.12.2020 and rendered the same as infructuous.

AND WHEREAS, the Health and Medical Education Department after examining the cases of Dr. Arun Dev Singh and Dr. Shiffali Sarngal, Medical Officers in pursuance of the aforesaid judgment dated 23.12.2020, has found that the cases of these Medical Officers have become fait-accompali and has decided to implement the writ Court judgment dated 28.01.2019 in toto as the petitioners in

pursuance of said writ Court judgment have been allowed by the then Principal Government Medical College, Jammu, vide communication no. GMCJ/ES-1/PF/1732 dated 31.01.2019 and communication No. GMCJ/ES-1/PF/1731 dated 31.01.2019, to report to the Head of Department of Pathology in Government Medical College, Jammu.

Now, therefore, in compliance to the Judgment dated 28.01.2019 passed by the Hon'ble High Court at Jammu in SWP No. 125/2019 titled 'Dr. Arun Dev Singh & Anr. Vs State of J&K & Others' read with judgment dated 23.12.2020 passed in LPA No. 245/2019 titled 'State of Jammu and Kashmir and others Vs Dr. Arun Dev Singh & Anr.', it is hereby ordered that the petitioners namely Dr. Arun Dev Singh, Medical Officer Sub District Hospital, Akhnoor and Dr. Shiffali Sarngal, Medical Officer attached with Directorate of Health Services, Jammu are deemed to have been relieved to the Government Medical College, Jammu from the date they have joined as Registrars in the Department of Pathology in pursuance of the communication Nos. GMCJ/ES-1/PF/1732 dated 31.01.2019 and GMCJ/ES-1/PF/1731 dated 31.01.2019 of the then Principal, Government Medical College, Jammu.

By order of Government of Jammu and Kashmir.

Sd/-

Atal Dullo (IAS)

Financial Commissioner,

Health & Medical Education Department

No: HD/Gaz/Gen/07/2019

Dated: 16 -03-2021

Copy to the:

1. Principal Secretary to the Hon'ble Lieutenant Governor.
2. Joint Secretary, (J&K), Ministry of Home Affairs, Government of India, New Delhi.
3. Principal, Government Medical College, Jammu.
4. Director Health Services, Jammu.
5. OSD with Advisor (B) to the Hon'ble Lieutenant Governor.
6. Shri H. A. Siddiqui, Senior Additional Advocate General, Jammu.
7. Head of Department of Pathology, Government Medical College, Jammu
8. Director, Archives, Archaeology & Museums, J&K, Jammu.
9. Private Secretary to the Financial Commissioner, Health & Medical Education Department.
10. Dr. Arun Dev Singh, Medical Officer R/o H.No. 122 Lane no.1 Pritam Nagar, Plora, Jammu.
11. Dr. Shiffali Sarngal, Medical Officer R/o H.No. 39, Canal Road, Rajinder Nagar, Jammu.
12. Government Order file/Stock file.

(Sajad Amin Shah)

Additional Secretary to Government
Health & Medical Education Department.