

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

Subject: Settlement of period of undergoing higher studies in favour of Dr. Shaista Yaqoob, Medical Officer.

Ref: No.Est/3/1-133/2003 dated 16-09-2020 from Directorate of Health of Services, Kashmir.

Government Order No: 860-JK(HME) of 2020
Dated: 19- 11-2020

WHEREAS, Dr. Shaista Yaqoob was appointed as Medical Officer vide G.O No.592-HME of 2011 dated 28-10-2011 and has reported in Directorate of Health Services, Kashmir on 31-10-2011;

AND WHEREAS, the aforesaid doctor while posted in Block Charishareef was selected for Senior Residency at SKIMS Soura, Srinagar and was relieved by the Directorate of Health Services, Kashmir vide Office Order No. Est-3/1-133/3834-40 dated 27-11-2017;

AND WHEREAS, while undergoing Senior Residency at SKIMS Soura, Srinagar, Dr. Shaista Yaqoob, among others was appointed/posted as Consultant Anesthesiology at CHC Hajin vide G.O No. 741-HME of 2018 dated 28.12.2018. However, the concerned doctor submitted joining report in Directorate of Health Services Kashmir on 15-01-2019 and did not join at her respective place of posting i.e CHC Hajin and preferred to continue Senior Residency at SKIMS Soura, Srinagar on the court directions dated 14.01.2019;

AND WHEREAS, The operative part of interim order dated 14.01.2019 passed by the Hon'ble High Court in SWP No. 46/2019 IA No. 01/2019 titled Dr. Shaista Yaqoob & Ors. Vs State of J&K and Ors. reads as under:-

"In the meanwhile, subject to the objections from the other side and till next date of hearing before the Bench, the positions against which the petitioners are appointed in terms of the Government Order No. 741-HME of 2018 dated 28.12.2018, shall not be utilized. The respondents shall also consider the case of the petitioners in light of the policy in vogue, if any, for giving extension for joining on the positions on completion of the assignment on which they are presently working."

AND WHEREAS, in the meantime, the concerned doctor after completion of the course has reported in the Directorate of Health Services, Kashmir on 18-05-2020 for allowing her to join;

M. Yaqoob

Sh. Yaqoob

AND WHEREAS, the Directorate of Health Services, Kashmir vide communication No. Est/3/1-133/2003 dated 16.09.2020 has forwarded her case regarding re-joining/settlement of higher studies to the Administrative Department for issuance of appropriate instructions;

AND WHEREAS, the issue with regard to settlement of the intervening period was examined in consultation with Director Finance, Health and Medical Education Department (Chairman, Departmental Designated Committee) and the Department while taking considerate view in the matter, decided to accept rejoining of Dr. Shaista Yaqoob as Consultant Anesthesia notionally from 18.05.2020 and monetarily with immediate effect and to treat the period of undergoing Senior Residency at SKIMS Soura, Srinagar w.e.f 18-05-2017 to 14-01-2019, in favour of Dr. Shaista Yaqoob, Medical Officer as leave whatever kind due except study leave and remaining period of shortfall be treated as Dies-Non and treat the remaining period of undergoing Senior Residency at SKIMS Soura, Srinagar w.e.f 15-01-2019 to 17-05-2020, in favour of Dr. Shaista Yaqoob as extension in joining time for the post of Consultant Anesthesia, which is without any financial implications. This shall be subject to outcome of SWP No. 46/2019 IA No. 01/2019 titled Dr. Shaista Yaqoob & Ors. Vs State of J&K and Ors. and subject to the condition that the said doctor was not involved in any subversive activities as well as was not employed in any Govt./private sector and no departmental enquiry is pending against her, for which an affidavit duly authenticated by the Ist Class Judicial Magistrate shall be obtained by the Director, Health Services, Kashmir from the concerned doctor.

Now, therefore, sanction is hereby accorded to:-

- i. accept rejoining of Dr. Shaista Yaqoob as Consultant Anesthesia notionally from 18.05.2020 and monetarily with immediate effect.
- ii. treat the period of undergoing Senior Residency at SKIMS Soura, Srinagar w.e.f 18-05-2017 to 14-01-2019, in favour of Dr. Shaista Yaqoob, Medical Officer as leave whatever kind due except study leave and remaining period of shortfall be treated as Dies-Non.
- iii. treat the remaining period of undergoing Senior Residency at SKIMS Soura, Srinagar w.e.f 15-01-2019 to 17-05-2020, in favour of Dr. Shaista Yaqoob as extension in joining time for the post of Consultant Anesthesia, which is without any financial implications. This shall be subject to outcome of SWP No. 46/2019 IA No. 01/2019 titled Dr. Shaista Yaqoob & Ors. Vs State of J&K and Ors. and subject to the condition that the said doctor was not involved in any subversive activities as well as was not employed in any Govt./private sector and no departmental enquiry is pending against her, for which an affidavit duly authenticated by the Ist Class Judicial Magistrate shall be obtained by the Directorate of Health Services Kashmir from the concerned doctor.



Further, the concerned doctor is **warned** not to leave her place of posting un-authorizedly for any occasion in future, failing which disciplinary action shall be initiated against her without any further notice.


By order of the Government of Jammu & Kashmir.

Sd/-
(Atal Dulloo) IAS
Financial Commissioner
Health and Medical Education Department
Dated: 19.11.2020

No. HD/Gaz/Gen/117/2020

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. Director, Health Services, Kashmir.
4. Director Finance, Health & Medical Education Department.
5. OSD with Advisor (B) to Hon'ble Lieutenant Governor.
6. Director, Archives, Archaeology & Museums, J&K, Srinagar.
7. Concerned.
8. Private Secretary to the Financial Commissioner, Health and Medical Education Department.
9. I/C Website, Health and Medical Education Department.
10. Government Order file/Stock file.


(Mohammad Iqbal Lone)
Under Secretary to the Government
Health & Medical Education Department



