

**Government of Jammu & Kashmir
Health & Medical Education Department
Civil Secretariat J&K – Jammu.**

Subject:- Settlement of period of absence (authorized/un-authorized) or rejoining in respect of Dr. Deepa Kachroo, Medical Officer (ISM).

Ref:- No. DISM/Est/11300 dated 11.02.2020 Directorate of ISM, J&K-Jammu.

**Government Order No. 726- JK (HME) of 2020
D a t e d : 22 -09-2020**

WHEREAS, Dr. Deepa Kachroo was appointed as Medical Officer, (BAMS) in Indian System of Medicine Department vide Government Order No. 44-HME of 1995 dated 09.02.1995 and joined in the Directorate of ISM on 16.02.1995. The said doctor proceeded on two months leave w.e.f 16.09.1997 and on the expiry of leave she did not resume her duties and remained on unauthorized absence w.e.f 15.11.1997;

AND WHEREAS, the Director, ISM reported that she has gone for P.G studies without seeking proper permission from the Administrative Department. Subsequently a notice was served to the said doctor by the Directorate of ISM vide letter No ISM/G-J-93/175759 dated 08.12.1998 wherein she was given the opportunity to join duties within 21 days to which she did not resume duties and remained on un-authorized absence;

AND WHEREAS, Dr. Deepa Kachroo filed a writ petition passed in SWP No. 1117/2005, titled Dr. Deepa Kachroo V/s State and ors. The operative part of the order reads as under:-

".....In view of the submission made this writ petition is admitted to hearing and disposed of with a direction to respondents to settle the period of absence of petitioner as well as subsequent period, after joining her duties within a period of three months,. Abiding by the decision, consequential benefits shall also follow. Respondents shall further pass appropriate orders in regard to posting the petitioner within a period of three weeks time from the date of a copy of this order is furnished by the petitioner to the Director Indian System of Medicine."

AND WHEREAS, on the basis of court direction the aforesaid doctor was allowed to rejoin vide Government Order No. 576-HME of 2007 dated 28.08.2007 wherein the period of absence w.e.f 15.11.1997 to 28.08.2007 was treated as Dies-Non as per SRO 514 dated 22.02.1999

AND WHEREAS, the petitioner aggrieved by Government Order No. 576-HME of 2007 dated 28.08.2007 filed contempt (SWP) No. 118/2008 dated 21.09.2010 titled Dr. Deepa Kachroo v/s State and ors. The operative part of the order is as under:-

".....It is contended by learned counsel for the petitioner that order treating the period of absence as dies-Non was passed much before the directions issued by this court. Three weeks time is granted to the respondents to take a fresh decision in view of the directions passed by this court, uninfluenced by the earlier order passed in this behalf.";

AND WHEREAS, in response to above court orders the case was again examined in compliance of the judgment of the Hon'ble High Court and it has revealed that the grievance of the petitioner stands already redressed by allowing her to re-join duty vide Government Order No. 576-HME of 2007 dated 28.08.2007 and the intervening period of un-authorized absence

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w.e.f 15.11.1997 to the date of re-joining has been treated as Dies-Non as per SRO-514 dated 22.02.1999. As such the judgment dated 27.09.2007 of the Hon'ble High Court passed in the case of petitioner has been implemented;

AND WHEREAS, the Committee in its meeting held on 18.01.2016, recommended to treat the period of absence of Dr. Deepa Kachroo w.e.f 15.11.1997 to 02.07.2000 as Dies-Non and from the date of her joining w.e.f 03.07.2000 to 28.08.2007 as leave whatever kind due to her and in supersession to Government Order No. 576-HME of 2007 dated 28.08.2007 vide Government Order No. 296-HME of 2018 dated 23.04.2018 was issued ;

AND WHEREAS, the Doctor again approached the Administrative Department for review of the decision taken by the Designated Committee as the strength of the aforesaid order proves financially ponderous to her and the Designated Committee of Health & Medical Education Department has taken uniform line of recommendations in all such similarly situated cases to avoid any litigation issues;

AND WHEREAS, the instant case has been examined in the department in consultation with Director Finance, Health & Medical Education Department (Chairman, Departmental Designated Committee), reveals that the case has already been settled on the basis of directions of Hon'ble Court and lastly resettled vide Government Order No. 296-HME of 2018 dated 23.04.2018. Hence the department convey regrets.

By Order of the Government of Jammu & Kashmir.

Sd/-

(Atal Dulloo) IAS,
Financial Commissioner,
Health & Medical Education Department
Dated: 22 .09. 2020

No. HD/Legal/Gaz/358/2012-D

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.
4. Director, Indian Systems of Medicine, J&K-Jammu.
5. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
6. Pvt. Secretary to the Financial Commissioner, Health & Medical Education Department.
7. Concerned.
8. Government Order file/Stock file/Website H&ME.

(Pamposh Ganju)

Under Secretary to the Government

 