

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

Subject: Settlement of period of undergoing higher studies in favour of Dr. Asim Rather, Medical Officer.

Ref: No.Est/3/1-133/1235 dated 01-06-2020 from Directorate of Health of Services, Kashmir.

Government Order No: 655 -JK(HME) of 2020
Dated: 03 -09-2020

WHEREAS, Dr. Asim Rather, who was appointed as Medical Officer in the Health Services Department, vide Government Order No.132-HME of 2014 dated 04-03-2014, and has reported in Directorate of Health Services, Kashmir on 11-03-2014 but preferred to undergo (Registraship) at Government Medical College Srinagar, and was kept on inter cadre deputation vide G.O NO. 302-HME of 2014 dated 13-06-2014;

AND WHEREAS, consequently, the aforesaid doctor joined as Senior Residency at SKIMS Medical College Bemina, w.e.f 13-10-2016 on the directions from Hon'ble High Court and left without obtaining permission/NOC of the Administrative Department.

AND WHEREAS, the operative part of interim order dated 27-09-2016 passed by the Hon'ble High Court in SWP No. 1527/2016 titled Dr. Ishtiyaq Abdullah & Anr Vs State & Ors reads as under:-

"..... Notice as above. In the meanwhile, subject to objections and till next date before the bench, respondent No:- 02, shall relieve the petitioners so as to enable them to join against the posts of Registrars within one week. In case respondent No:- 2 fails to issue relieving order, respondent No:- 03 shall allow the petitioners to join the posts, notwithstanding the relieving, provided the selection process has not been concluded."

AND WHEREAS, after the completion of said course, the aforesaid doctor, rejoined in the Directorate of Health Services Kashmir on 12-10-2019;

AND WHEREAS, the Directorate of Health Services, Kashmir has forwarded his 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 the rejoining in respect of Dr. Asim Rather, Medical Officer, notionally w.e.f 12-10-2019 and monetarily with immediate effect and the period of higher studies (Senior Residency) at SKIMS Medical College Bemina, w.e.f 13-10-2016 to 11-10-2019 shall be treated as leave whatever kind due except study leave and remaining period of shortfall be treated as Dies-Non and this shall be subject to outcome of SWP No. 1527/2016 titled Dr. Ishtiyaq Abdullah & Anr Vs State of J&K 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 for which an affidavit authenticated by the 1st Class Judicial Magistrate shall be obtained by the DHSK from the concerned doc. or.

Now, therefore, sanction is hereby accorded to:-

- i. Accept the rejoining in respect of Dr. Asim Rather, Medical Officer, notionally w.e.f 12-10-2019 and monetarily with immediate effect.
- ii. Treat the period of undergoing Senior Residency at SKIMS Medical College Bemina w.e.f 13-10-2016 to 11-10-2019 in respect of Dr. Asim Rather, Medical Officer as leave whatever kind due except study leave and remaining period of shortfall be treated as Dies-Non and this shall be subject to outcome of SWP No. 1527/2016 titled Dr. Ishtiyaq Abdullah & Anr Vs State of J&K 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 for which an affidavit authenticated by the 1st Class Judicial Magistrate shall be obtained by the DHSK from the concerned doctor.

The concerned doctor is warned not to leave his place of posting unauthorizedly for any occasion in future, failing which disciplinary action shall be initiated against him without any further notice.


By order of the Government of Jammu & Kashmir.

Sd/-
(Atal Dulloo) IAS
Financial Commissioner
Health and Medical Education Department
Dated: 03.09.2020

No. HD/Gaz/Gen/20/2020-PF

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 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