

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

Subject: Settlement of period of absence in respect of Dr. Noor-ud-Din Shah, Medical Officer.
Ref. No: Est/3/1-133/280 dated 24-01-2020 from Directorate of Health Services, Kashmir.

Government Order No: 576 -JK(HME) of 2020
Dated: 4 -08- 2020

WHEREAS, Dr. Noor-u-Din Ahmad Shah was appointed at Assistant Surgeon (Now Medical Officer) vide Government Order No. 842-HME of 1997 dated 26-09-1997 and reported in Directorate of Health Services, Kashmir on 06-10-1997. However during the period the said doctor was undergoing P.G Surgery at SKIMS Soura and thereafter the doctor after being relieved from SKIMS Soura reported in Directorate of Health Services, Kashmir on 01-04-2003;

AND WHEREAS, the doctor while posted at DH Budgam proceeded on 120 days earned leave w.e.f 15-04-2004 and thereafter resorted to unauthorized absence. However, vide Government Order No.449-HME of 2007 dated 09-07-2007, the said doctor was allowed to rejoin as fresh appointee as Assistant Surgeon (now Medical Officer) for all practical purposes, pursuant to which the doctor joined on 11-07-2007;

AND WHEREAS, Dr. Noor-Ud-Din filed SWP No.1835/2009 titled Dr. Noor Ud Din Shah Vs State & Ors for settlement of the absence period. On the basis of court directions, the case was examined in the department and vide Government Order No. 640-HME of 2013 dated 12-12-2013, the claim of petitioner for treating the period from 15-04-2004 to 13-06-2006 as Dies-Non was rejected being devoid of merits;

AND WHEREAS, the aforesaid doctor filed another writ petition bearing SWP No.33/2014 IA No.35/2014 titled Dr. Noor-Ud-Din Ahmad Shah Vs State and Ors. in the Hon'ble High Court Srinagar and Hon'ble Court vide its orders dated 15-01-2014 in SWP No.33/2014 directed as under:

"Learned counsel for petitioner states that petitioner would feel satisfied, atleast, for the present in the event respondents are directed to reconsider the matter in light of decision taken in the case of his similarly circumstarced colleagues.

Petition in view of short controversy involved, is disposed, of with a direction to respondents to give fresh look to petitioners case in light of averments made in the petition annexures appended thereto and having regard to decision taken in favour of similarly circumstanced colleagues of petitioner. Respondents shall do well to take a decision in the matter within four weeks from teh date of receipt of copy of the order.

Sumit

Petitioner, on his part may provide copy of petition and copies of its annexure including orders, he claims to have been passed in favour of similarly situated colleagues, to respondents to facilitate early disposal"

AND WHEREAS, the instant case has been examined in consultation with Director Finance, Health & Medical Education Department (Chairman, Departmental Designated Committee), and the department while taking a considerate view in the matter, in the interest of administration and patient care, observed that it would not be appropriate to re-settle the already settled period vide Government Order No. 449-HME of 2007 dated 09-07-2007 followed by another Government Order No.640-HME of 2013 dated 12-12-2013 in favour of Dr. Noor-Ud-Din, Medical Officer and found the case of the aforesaid doctor does not merit any consideration and the claim of the petitioner needs to be rejected.

Now, therefore in compliance to the judgments dated 16-11-2011 and 15-01-2014 in SWP No. 1835/2009 titled Dr. Noor Ud Din Ahmad shah Vs State & dated 15-01-2014 and SWP No. 33/2014 I.A No. 35/2014 passed by the Hon'ble High Court in case titled Dr. Noor-ud-Din Ahmad Shah Vs State of J&K and Ors, the case of the petitioner have duly been re-considered and it was found that the unauthorized period of absence stands already settled vide Government Order No. 449-HME of 2007 dated 09-07-2007 and subsequently reviewed vide Government Order No.640-HME of 2013 dated 12-12-2013. As such, it would not be appropriate to re-settle the already settled case which has been found bereft of merits, hence the claim of the petitioner is rejected.

By order of the Government of Jammu & Kashmir

Sd/-

(Atal Dulloo) IAS

Financial Commissioner

Health and Medical Education Department

Dated: 4 -08-2020

No. HD/Gaz/Legal/MR-848/2013

Copy to the:

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

(Rajeshwar Singh Charak) KAS

Additional Secretary to the Government
Health & Medical Education Department