

Government of Jammu & Kashmir
Health & Medical Education Department

Civil Secretariat J&K, Jammu.

Subject: Settlement of period of absence in favour of Dr. Syed Javaid Bihaqi, Consultant ENT.

Ref. No: Est/3/1-133/1726 dated 24-10-2019 from Directorate of Health Services, Kashmir.

Government Order No: 586 -JK(HME) of 2020

Dated: 5 -08- 2020

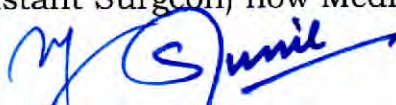
WHEREAS, Dr. Syed Javaid Bihaqi was appointed at Assistant Surgeon (Now Medical Officer) vide Government Order No. 857-HME of 1985 dated 16-11-1985 and reported in Directorate of Health Services, Kashmir on 01-02-1986;

AND WHEREAS, the doctor while posted at DH Budgam resorted to unauthorized absence w.e.f. 02-06-1999. However, vide Government Order No.446-HME of 2002 dated 15-04-2002, the said doctor was allowed to rejoin and the period of absence was treated as "Dies-Non";

AND WHEREAS, the doctor while posted at JLN Hospital Srinagar, applied for VRS which was sanctioned vide Government Order No. 206-HME of 2013 dated 26-03-2013. Thereafter, the said doctor filed a writ petition in the Hon'ble High Court under SWP No.418/08 titled Dr. Syed Javaid Ahmad Vs State of J&K and Ors with the plea the period of absence in favour of his other colleagues was treated as leave whatever kind due, the petitioner was singled out. The Hon'ble Court vide its order dated 08-12-2011 ordered as under:-

"In view of the averments made and stand taken by learned counsel for the petitioner, the writ petition is disposed of with the directions to respondents to accord consideration to the petitioners case in same manner as the period of absence of other doctors has been dealt with. The respondents as far as possible shall decide the matter within four weeks from the date of copy of this order is served upon them. Petitioner may at his option, hand over copy of writ petition alongwith the copies of all its annexures to the respondents so as enable them to dispose of the matter at an earliest."

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.446-HME of 2002 dated 15-04-2002, in favour of Dr. Syed Javaid Bihaqi, (Assistant Surgeon) now 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 08-12-2011 passed by the Hon'ble High Court in SWP No. 418/08 titled Dr. Syed Javaid Ahmad Vs State of J&K & 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.446-HME of 2002 dated 15-04-2002 and it would not be appropriate to settle the already settled case as such, the case is found devoid of any merit and is rejected.

By order of the Government of Jammu & Kashmir

Sd/-

(Atal Dulloo) IAS

Financial Commissioner

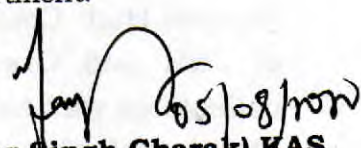
Health and Medical Education Department

Dated: 05-08-2020

No. HD/Gaz/Legal/MR-65/2019

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

