

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

\*\*\*\*\*

**Subject:** Implementation of order<sup>1</sup> dated 11.02.2020 passed by the Hon<sup>ble</sup> High Court at Srinagar in WP(C) No. 324/2020, CM No. 587/2020- titled Shabeena Mushtaq Vs Union Territory of Jammu and Kashmir and Ors.

**Government Order No.** 10 -JK(HME) of 2021

**D a t e d:** 05 . 01. 2021

**WHEREAS**, Health & Medical Education Department vide Government Order No. 01-HME of 2019 dated 02.01.2019 placed Miss. Shabeena Mushtaq, Staff Nurse under suspension with the direction to report the Chief Medical Officer, Shopian till further orders;

**AND WHEREAS**, the above suspendee challenged the Government Order No. 01-HME of 2019 dated 02.01.2019 before the Hon<sup>ble</sup> High Court at Srinagar by way of WP(C) No. 324/2020, CM No. 587/2020- titled Shabeena Mushtaq Vs Union Territory of Jammu and Kashmir and Ors, on the ground that there is no scope for authority to place the petitioner under suspension as the provisions of J&K Civil Services (Classification, Control and Appeal) Rules, 1956 are not applicable to the case of the petitioner as she is working on contractual basis under National Health Mission Scheme;

**AND WHEREAS**, the Hon<sup>ble</sup> Court on 11.02.2020 passed following order in the above case;

***"The Court expects a positive decision in the matter, keeping in view the interest of patient care in the area. Till the decision is taken and reported to the Court qua reinstatement, the petitioner shall be paid all the suspension allowances in tune with***



**application of rules, by the Chief Medical officer, Shopian and report compliance of the same."**

**AND WHEREAS**, the Chief Medical Officer, Shopian vide communication No. NHM/DMU/Spn/20/164-66 dated 07.05.2020 addressed to the Director Health Services, Kashmir has intimated the petitioner is working as Staff Nurse(contractual) under NHM Scheme at District Hospital, Shopian;

**AND WHEREAS**, the Department after examining the case of the petitioner in light of the above mentioned communication of Chief Medical Officer, Shopian, it has been found that the petitioner is working on contractual basis under National Health Mission Scheme (NHM) and decided to revoke the Government Order No. 01-HME of 2019 dated 02.01.2019 as no service rules are applicable to the said contractual employee;

Now, therefore, in compliance to the order dated 11.02.2020 of the Hon'ble Court passed in WP(C) No. 324/2020, CM No. 587/2020- titled Shabeena Mushtaq Vs Union Territory of Jammu and Kashmir and Ors, the Government Order No. 01-HME of 2019 dated 02.01.2019 is hereby revoked.

Further, Mission Director, National Health Mission, J&K, Jammu shall look into the case of the petitioner and take an appropriate decision in accordance with the terms and conditions of the engagement of the petitioner as contractual employee under National Health Mission Scheme.

**By Order of the Government of Jammu and Kashmir.**

-Sd/-

(Atal Dulloo) IAS

Financial Commissioner

Health and Medical Education Department


No. HD/Legal/NHM/MR-92/2020

Dated: 05-01-2021

**Copy to the:-**

1. Joint Secretary, J&K, Ministry of Home Affairs, Government of India.
2. Mission Director, National Health Mission, J&K, Jammu.
3. Director Health Services, Kashmir.

4. OSD with Hon'ble Advisor (B) Incharge, Health & Medical Education Department.
5. Shri Shah Aamir, Additional Advocate General Srinagar with the request to apprise the above Hon'ble Court accordingly.
6. Director, Archives, Archaeology & Museums, J&K, Jammu.
7. Chief Medical Officer, Shopian.
8. Private Secretary to the Financial Commissioner, Health & Medical Education Department.
9. Concerned petitioner.
10. Government Order file/Stock file.

  
**(Sajad Amin Shah)**

Additional Secretary to Government,  
Health & Medical Education Department



