

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

Subject: Settlement of period of undergoing higher studies (Fellowship Course) in favour of Dr. Hanief Mohammad Dar, Consultant Surgery (now Lecturer at Government Medical College Srinagar).

Ref: No. Est/3/1-133/1682 dated 21.10.2019 from Directorate Health Services Kashmir.

Government Order No: 780 -JK(HME) of 2020
Dated: 05 -10-2020

WHEREAS, Dr. Hanief Mohammad Dar, was appointed as Medical Officer in the Health Department vide Government Order No.335-HME of 2010 dated 17.06.2010 and submitted his joining report in Directorate of Health Services Kashmir on 21-06-2010;

AND WHEREAS, subsequently, Dr. Hanief Mohammad Dar, Medical Officer was appointed as Consultant Surgery vide Government Order No. 777-HME of 2015 dated 10-12-2015 and reported in Directorate of Health Services, Kashmir on 16-12-2015, however, during the period the aforesaid doctor was undergoing Registrarship at Government Medical College Srinagar for which he had been relieved while he was working as Medical Officer. After the completion of Registrarship, he reported in Directorate of Health Services, Kashmir on 18-03-2016 and was posted in Block Khansahib;

AND WHEREAS, the doctor while posted in Block Khansahib, approached Directorate of Health Services, Kashmir for grant of study leave for undergoing Fellowship Course outside State w.e.f 04-06-2018. Since, the study leave case outside State was to be decided in consultation with Finance Department and the General Administration Department, as such, while it remained under correspondence the said doctor left of its own without obtaining prior permission from the Competent Authority;

AND WHEREAS, as per study leave rules, the case was taken up with the Finance Department vide this department's U.O dated 31-07-2018, who vide their U.O dated 16-10-2018, conveyed their concurrence subject to fulfillment of certain conditions. As such, the matter was again taken up with Directorate of Health Services, Kashmir for fulfillment of laid down conditions in the first instance;

AND WHEREAS, the Directorate of Health Services, Kashmir vide communication No: Est/3/1-133/8170 dated 28-02-2019 furnished the requisite details/information. Thereafter, vide this departments U.O dated 28-03-2019, the case was submitted to the General Administration Department for their agreement in the matter;



AND WHEREAS, in the meantime, the said doctor has been selected/appointed as Lecturer in GMC Srinagar vide Government Order No.270-HME of 2019 dated 05-03-2019 and he has joined on 09-03-2019;

AND WHEREAS, the General Administration Department vide their U.O No:GAD/Adm/45/2019-IV dated 09-04-2019 returned the case with the following observations:-

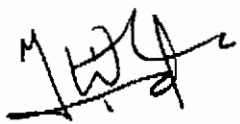
- i. Indicate the authority who allowed Dr. Hanief Mohammad Dar, Consultant Surgeon to join the course without obtaining the prior approval of the Competent Authority; and
- ii. What action the department has taken against Dr. Hanief Mohammad Dar, Consultant Surgeon on his unauthorized absence from duty?

AND WHEREAS, vide this department's communication No: HD/Gaz/Gen/72/2018 dated 29-05-2019, Directorate of Health Services, Kashmir, was requested to furnish the requisite information. The Directorate of Health Services, Kashmir vide their communication dated 05-10-2019 has intimated that the doctor has not been allowed to undergo fellowship course and he has joined the course of its own. Besides, it has been submitted owing to the fact that the case was neither rejected nor sanctioned, Directorate of Health Services, Kashmir was not in position to initiate action against the doctor;

AND WHEREAS the case was re-referred to General Administration Department for considering grant of study leave in favour of Dr. Hanief Mohammad Dar, Consultant Surgeon for grant of study leave in his favour w.e.f 04-06-2018 to 08-03-2019 (i.e till his appointment as Lecturer GMC Srinagar) for undergoing FNB training course in the Specialty of Minimal Access Surgery at Apollo Hospital, Bangalore. The General Administration Department vide their U.O No. GAD(Adm)45/2019-IV dated 08-09-2020 has returned the file with following observations: -

"Returned: The Department is advised to settle the period of absence w.e.f 04-06-2018 to 08-03-2019 of the Doctor at its own level having regard to the rules and norms governing the subject, as the case cannot be decided in terms of Study Leave Rules on account of the officer having left the course midway."

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 treat the period of undergoing Fellowship Course outside State in favour of Dr. Hanief Mohammad Dar, Consultant Surgery (now Lecturer) w.e.f 04-06-2018 to 08.03.2019 (i.e the date till he remained member of J&K Health and Family Welfare (Gazetted) Service) as leave whatever kind due except study leave and remaining period of short fall be treated as Dies Non, 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 Directorate of Health Services, Kashmir from the concerned doctor. The Director, Health Services, Kashmir shall consider his relieving accordingly on merits. The concerned doctor shall be warned not to leave his place of



posting for any occasion in future un-authorizedly for which disciplinary action shall be taken against him.

Now, therefore, sanction is hereby accorded to the settlement of period of undergoing Fellowship Course, outside State, in favour of Dr. Hanief Mohammad Dar, Consultant Surgery (now Lecturer at Government Medical College Srinagar) w.e.f 04-06-2018 to 08.03.2019 (i.e the date till he remained member of J&K Health and Family Welfare (Gazetted) Service) as leave whatever kind due except study leave and remaining period of short fall be treated as Dies Non 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 Directorate of Health Services, Kashmir from the concerned doctor. The Director, Health Services, Kashmir shall consider his relieving accordingly on merits.

Further, the concerned doctor is **warned** not to leave his place of posting un-authorizedly for any occasion in future, failing which disciplinary action shall be initiated against him without any further notice.

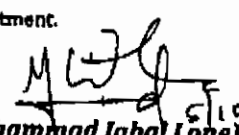
By order of the Government of Jammu & Kashmir.

Sd/-
(Atal Dulloo) IAS
Financial Commissioner
Health and Medical Education Department
Dated: 05.10.2020

No. HD/Gaz/Gen/72/2018

Copy to the:-

1. Principal Secretary to the Lieutenant Governor.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
3. Principal, Government Medical College Srinagar.
4. Director, Health Services, Kashmir.
5. Director Finance, Health & Medical Education Department.
6. OSD with Advisor (B) to Lieutenant Governor.
7. Director, Archives, Archaeology & Museums, J&K, Srinagar.
8. Concerned.
9. Private Secretary to the Financial Commissioner, Health and Medical Education Department.
10. I/C Website, Health and Medical Education Department.
11. Government Order file/Stock file.


(Mohammad Iqbal Lone)

Under Secretary to the Government
Health & Medical Education Department