

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

Subject: Settlement of period of absence in favour of Dr. Riyaz Ahmad Daga, Medical Officer.

Ref. No. (i) Est/3/1-133/238 dated 22.01.2020, (ii) Est/3/1-133/1618 dated 20.07.2020 from Directorate of Health Services, Kashmir.

Government Order No. 595 -JK(HME) of 2020
Dated: 7 -08-2020

WHEREAS, Dr. Riyaz Ahmad Daga, was appointed as Medical Officer vide Government Order No.592-HME of 2011 dated 28.10.2011 and the said doctor joined in the Directorate of Health Services, Kashmir on 12.11.2011. However during the period the said doctor was undergoing Sr. Residency at SKIMS Soura and on completion of same joined back Directorate of Health Services, Kashmir on 12.11.2014;

AND WHEREAS, the doctor while posted at SDH Pattan was transferred and posted at PHC Kalaroos Kupwara and the said doctor did not join at his place of posting;

AND WHEREAS, Dr. Riyaz Ahmad Daga, Medical Officer also filed a Writ petition before the Hon'ble High Court who vide its order dated 03.03.2018 in SWP No. 434/2018, titled Dr. Riyaz Ahmad Daga & Ors Vs State of J&K & Ors. ordered as under:

" Writ petition is disposed of with the directions of the respondent No. 01 to treat the same representation on behalf of the petitioner and accord consideration to the claim of the petitioner strictly in accordance with the law and rules governing the field within a period of four weeks from the date of certified copy of this order along with all annexure of writ petition are made available to respondents, till then status quo to be maintained."

The operative position of the order dated 29.05.2018 from Hon'ble High Court is reproduced as under:-

"Let the respondent No. 01 to consider the case of the petitioner in tune with the directions passed by this court and report compliance. However, in the meanwhile. The petitioner shall report to the office of Director, Health Services Kashmir till his case is decided by respondent No.1"

AND WHEREAS, thereafter vide Govt. Order No. 857-HME of 2019 dated 04.10.2019 Dr. Riyaz Ahmad Daga was posted in Block Khansahib against the available post of Medical Officer;



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 considerate view in the matter, in the interest of patient care, decided to treat the period of un-authorized absence, w.e.f. 21.02.2018 to 31.05.2019 in respect of Dr. Riyaz Ahmad Daga, 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.434/2018 titled Riyaz Ahmad Daga & Ors Vs State of J&K and subject to the condition that the said doctor was not involved in any subversive activities as well as not employed in any private sector for which an affidavit duly authenticated by the 1st Class judicial Magistrate shall be obtained by the Directorate of Health Services, Kashmir from the concerned doctor. Besides, 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 initiated against him without any further notice.

Now, therefore, sanction is hereby accorded to treat the period of un-authorized absence, w.e.f. 21.02.2018 to 31.05.2019 in favour of Dr. Riyaz Ahmad Daga, 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.434/2018 titled Riyaz Ahmad Daga & Ors Vs State of J&K and subject to the condition that the said doctor was not involved in any subversive activities as well as not employed in any private sector for which an affidavit duly authenticated by the 1st Class judicial Magistrate shall be obtained by the DHSK from the concerned doctor.

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

By order of the Government of Jammu and Kashmir.

Sd/-

(Atal Dulloo) IAS

Financial Commissioner

Health & Medical Education Department

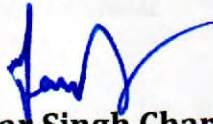
No.HD/Gaz/Gen/105/2020

Dated: 7 .08.2020

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, Archives, Archaeology & Museums, J&K.
5. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
6. Pvt. Secretary to the Financial Commissioner, Health & Medical Education Department.
7. Concerned Doctor.

8. I/c Website, Health and Medical Education Department.
9. Government Order file/Stock file/Monday Return (w.2.s.c).



(Rajeshwar Singh Charak) KAS
Additional Secretary to the Government
Health & Medical Education Department

