

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

Subject: Settlement of period of higher studies (DNB in Orthopedics) in favour of Dr. Jitendar Singh, Medical Officer, Government Medical College, Srinagar.

Ref: i. No. Est/3/1-133/2752 dated 26-11-2020 from Directorate of Health Services, Kashmir.
ii. No. AH/EST-1/2020/2014 dated 06-04-2020 & No. AH/EST-1/2020/MC/6406-08 dated 25-11-2020 from Government Medical College, Srinagar.

Government Order No: 171 -JK(HME) of 2021
Dated: 08 - 03-2021

WHEREAS, Dr. Jitender Singh was appointed as Medical Officer in the Health Services, Department vide Government order No. 702-HME of 2001 dated 11-10-2001 and he has submitted joining report in Directorate of Health Services Kashmir on 24-10-2001;

AND WHEREAS, the Director, Health Services, Kashmir relieved the aforesaid doctor for P.G course in SPM vide office order No. 179-G of 2010 dated 11-05-2010 and thereafter he continued in Government Medical College Srinagar;

AND WHEREAS, the Principal Government Medical College, Srinagar has stated that the said doctor did not submit the DNB form through proper channel. However after his selection for DNB Orthopedics, he applied for sanctioning of leave whatever kind due in his favor enabling him to proceed on the said course for a period of two years w.e.f 24-06-2017 to 06-05-2019. The aforesaid doctor left without obtaining prior permission/NoC of the Administrative Department;

AND WHEREAS, after the completion of DNB course, the concerned doctor joined in the department of Forensic Medicine of GMC Srinagar where he was posted before proceeding on unauthorized leave and his joining report had been endorsed by HOD, Forensic Medicine vide No. FM/MC/617 dated 07-05-2019. As the doctor is borne on the establishment of Directorate of Health Services, Kashmir, he was repatriated back vide GMC Srinagar Office Order No. 210-AH of 2019 dated 22-07-2019 to Director, Health Services Kashmir. However he was allowed to rejoin in the department on the directions of the Hon'ble Court order dated 23-07-2019;

AND WHEREAS, the aforesaid doctor filed a writ petition passed in WP(C) No. 2510/2019 titled Dr. Jatinder Singh and ors V/s State. The operative part of interim order dated 23-07-2019 passed by Hon'ble High Court reads as under:-

".....In the meantime, respondent No. 5 shall allow the petitioner to discharge his duties at his own risk, subject to further orders from court."

M/S

[Signature]

[Signature]

AND WHEREAS, the aforesaid doctor filed another writ petition WP(C) No. 2746/2019, CM No. 5388/2019 and the operative part of interim order dated 03-09-2019 passed by Hon'ble High Court reads as under:-

"..... Notice as above in CM also. In the meantime, the operation of the impugned order bearing No. 210AH of 2019 dated 22-07-2019, shall stay and petitioner shall be allowed to continue in tune with the directions contained in order dated 23-07-2019 passed in writ petition no. 2510/2019."

AND WHEREAS, vide GMC Srinagar Order No. 445 AH of 2019 dated 11-09-2019, Dr. Jatinder Singh, Medical Officer was posted as CMO Super Specialty Hospital Srinagar and was directed to report to Medical Superintendent Super Specialty Hospital Srinagar for further duties till the outcome of the writ petition;

AND WHEREAS, the Principal Government Medical College, Srinagar has forwarded his case regarding settlement of period of higher studies w.e.f 24-06-2017 to 06-05-2019 to the Administrative Department for instructions and orders.

AND WHEREAS, in the meantime, Dr. Jatinder Singh, Medical Officer withdrew the aforesaid WP(C) No. 2746/2019, CM No. 5388/2019 for which the department has received order from Central Administrative Tribunal Jammu Bench, passed in T.A No. 62/1248/2020 dated 04-02-2021. The operative part of interim order dated 04-02-2021, reads as under:-

"...Learned counsel for the applicant submits that he wishes to withdraw the T.A with liberty to approach the appropriate forum, if fresh cause of action arises.

Accordingly, the T.A. is dismissed as withdrawn with liberty to the applicant to approach the appropriate forum, if fresh cause of action arises."

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 higher studies (DNB in Orthopedics) w.e.f 24-06-2017 to 06-05-2019 in respect of Dr. Jitendar Singh, Medical Officer as leave whatever kind due except study leave and remaining period of shortfall 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 and no departmental enquiry is pending against him, for which an affidavit authenticated by the 1st Class Judicial Magistrate shall be obtained by the Principal Government Medical College Srinagar from the concerned doctor. Further, Principal Government Medical College, Srinagar may be asked as to how Dr. Jitendar Singh, Medical Officer has been allowed to continue in GMC, Srinagar beyond the prescribed period of four years of deputation as he belongs to J&K Health and Family Welfare (Gazetted) Service. Besides, why his DNB form was considered without comments/report of his Parent Department and the concerned doctor shall be warned not to leave his

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place of posting un-authorizedly for any occasion in future, failing which disciplinary action shall be initiated against him without any further notice.

Now therefore, sanction is hereby accorded to:-

- i. treat the period of undergoing higher studies (DNB in Orthopedics) w.e.f 24-06-2017 to 06-05-2019 in respect of Dr. Jitendar Singh, Medical Officer as leave whatever kind due except study leave and remaining period of shortfall 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 and no departmental enquiry is pending against him, for which an affidavit authenticated by the 1st Class Judicial Magistrate shall be obtained by the Principal, Government Medical College, Srinagar from the concerned doctor.

Further, Principal, Government Medical College, Srinagar is asked as to how Dr. Jitendar Singh, Medical Officer has been allowed to continue in Government Medical College, Srinagar beyond the prescribed period of four years of deputation as he belongs to J&K Health and Family Welfare (Gazetted) Service. Besides, why his DNB form was considered without comments/report of his parent Department.

Moreso, 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: 08-03-2021

No. HD/Gaz/Gen/09/2018

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, Archives, Archaeology & Museums, J&K.
5. Director, Health Services, Kashmir.
6. Director Finance, Health & Medical Education Department.
7. OSD with Advisor (B) to Lieutenant Governor.
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

 