



GOVERNMENT OF JAMMU AND KASHMIR  
**HEALTH & MEDICAL EDUCATION DEPARTMENT**  
HUMAN RESOURCE MANAGEMENT BRANCH  
Civil Secretariat, J&K.

\*\*\*

**Subject:** TA No. 62/5195/2021 in SWP No. 328/2019 titled Rubeena Maqbool Vs State and others.

**Government Order No. 1106 – JK (HME) of 2023**

**Dated: 27.12.2023**

**WHEREAS,** Director, Health Services Kashmir vide letter No. Est-3/1-133/R(28)/11443 dated 09.07.2022 informed that Dr. Rubeena Maqbool was appointed as Medical Officer vide Government Order No: 710-HME of 1997 dated 12.08.1997;

**AND WHEREAS,** the doctor, while holding the post of DIO Baramulla, was selected for Diploma in Pathology at GMC Jammu and was relieved by the Directorate of Health Services, Kashmir vide his Order No: 350-G of 2014 dated 31.05.2014, in pursuance to the NOC conveyed by Administrative department vide letter No. HD/Gaz0Gen-68/2015 dated 29.05.2014;

**AND WHEREAS,** the doctor concerned after completion of PG in Pharmacology joined in the Directorate of Health Services, Kashmir on 15.06.2017 and accordingly, posted in Block Sheeri vide Order No. Est/3/1-133/1241-44, dated 01.07.2017;

**AND WHEREAS,** vide letter No. Est/CMO/Bla/1521, dated 17.05.2022, Chief Medical Officer, Baramulla reported that Dr. Rubeena Maqbool, Medical Officer had submitted departure report to BMO concerned on 18.03.2019, with the direction of Hon'ble High Court J&K passed vide order dated 15.03.2019 in SWP No. 328/2019 titled Rubeena Maqbool Vs State of J&K & others, the operative part of which is reproduced as under:

***"Meanwhile, the Respondent No. 2 (Director, Health Services, Kashmir) shall decide the case of the petitioner seeking relieving within a period of two days. In the event the Respondent No. 2 Keeps the case pending, the***

***Respondent No. 6 (Principal, GMC Baramulla) shall allow the petitioner to join the post notwithstanding the relieving.***

***Expressing urgency, let copy of this order be provided to learned counsel for the petitioner under the seal and signature of Bench Secretary, today".***

**AND WHEREAS,** the above writ petition was transferred from Hon'ble High Court of J&K to Hon'ble Central Administrative Tribunal at Srinagar in TA No. 62/5195/2021 titled Dr. Rubeena Maqbool Vs State & Others;

**AND WHEREAS,** the doctor after completion of Demonstratorship and relieved from GMC Baramulla vide No. GMC/Bla/Acad/4104-10 dated 17.03.2022, submitted her joining report in the Directorate of Health Services, Kashmir on 18.03.2022;

**AND WHEREAS,** the doctor concerned has undergone Demonstratorship without prior permission from the Competent Authority, therefore, Director, Health Services Kashmir did not allow her to join the duties and submitted her case to the Administrative Department vide letter No. Est-3/1-133/R(28)/11443 dated 09.07.2022;

**AND WHEREAS,** in the meanwhile, the Hon'ble Central Administrative Tribunal vide its order dated 23.09.2022 disposed of the above said TA No. 62/5195/2021, the operative part of which is given as under:

***"6. In view of the limited prayer made by the learned counsel for the applicant the respondents are directed to consider the present M.A. as representation and consider the claim of the applicant to join back to her parent department within four weeks from today.***

***7. With this M.A. No. 954/2022 is disposed of.***

***8. T.A. No. 5195/2021 is also disposed of.***

***9. The respondents are also directed to consider the salary aspect of the applicant".***

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*Nishal*

*Atyama*

**AND WHEREAS,** in pursuance to the above order, MA No. 954/2022 in TA No. 62/5195/2021 titled "Dr. Rubeena Maqbool Vs State of J&K and others" has been examined and the case of the doctor was placed before the Departmental Designated Committee in its meeting held on 03.08.2023, which deliberated upon the case thoroughly and recommended as under:

***"a) Since the doctor is an appointee of 1997, the doctor may be allowed to rejoin her duties notionally w.e.f. 18.03.2022 and monetarily on prospective basis subject to the condition that the said doctor was not involved in any subversive activities as well as she was not employed in any Govt/Private sector and no departmental enquiry is pending against her, for which an affidavit duly authenticated by 1st class Judicial Magistrate shall be obtained by the Directorate of Health Services, Kashmir from the concerned doctor.***

***b) To treat the intervening period of unauthorized absence w.e.f. 17.03.2019 to 17.03.2022, as on leave, whatever kind is due to her, except study leave and remaining period as "Dies-Non".***

***Besides, the doctor shall be warned not to leave her place of posting on unauthorized basis in future for which departmental actions shall be initiated against her without any notice".***

**NOW, THEREFORE,** on the recommendation of the Departmental Designated Committee, sanction is hereby accorded:

a) to allow Dr. Rubeena Maqbool, Medical Officer to join the Department notionally w.e.f. 18.03.2022 and monetarily on prospective basis subject to the condition that the said doctor was not involved in any subversive activities as well as she was not employed in any Govt/Private sector and no departmental enquiry is pending against her, for which an affidavit duly authenticated by 1st class Judicial Magistrate shall be obtained by the Directorate of Health Services, Kashmir from the concerned doctor



*Nishal*

*Rubana*

b) To treat the intervening period of unauthorized absence w.e.f. 17.03.2019 to 17.03.2022, as "leave, whatever kind is due, except study leave and remaining period as "Dies-Non".

Besides, the doctor is warned not to leave her place of posting on unauthorized basis in future for which departmental actions shall be initiated against her without any notice.

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

**Sd/-**  
**(Bhupinder Kumar) IAS**  
Secretary to the Government

No. HD-Lgal/288/2022-02(C.No. 230290)

Dated: 27.12.2023

**Copy to the:-**

1. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
2. Joint Secretary (JK&L), Ministry of Home Affairs, Government of India.
3. Principal, Government Medical College, Jammu.
4. Director, Archives, Archaeology & Museums, J&K, Jammu.
5. Director, Health Services, Jammu.
6. OSD to the Advisor (B) to Hon'ble Lieutenant Governor, J&K.
7. PS to the Secretary to the Government, Health & Medical Education Department.
8. Concerned doctor.
9. I/C Website H&ME.
10. Government Order file/Stock file/Monday Return file.

**(Waqar Talib) JKAS**  
Under Secretary to the Government

*Waqar Talib*  
*Waqar Talib*