

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

Subject: O.A. No. 61/718/2022 titled Dr. Samir Mattoo Vs UT of J&K and others.

Government Order No. 575 – JK (HME) of 2023

Dated: 24 .07.2023

WHEREAS, due to retirement of Dr. Renu Sharma, I/C Director Health Services, Jammu w.e.f. 31.12.2021, the charge of the post of Director Health Services, Jammu was assigned to Dr. Saleem-ur-Rehman, Director General, Family Welfare & Immunization, J&K, in addition to his own duties, vide Government Order No. 811-JK(HME) of 2021 dated 30.12.2021 by the Health & Medical Education Department; and

WHEREAS, aggrieved by the above said Government Order, Dr. Samir Mattoo, presently posted as Project Director, AIDS Control Society, J&K filed O.A. No. 61/718/2022 titled 'Dr. Samir Mattoo Vs UT of J&K and others' before the Hon'ble Central Administrative Tribunal at Jammu; and

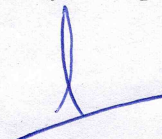
WHEREAS, in the meanwhile, Dr. Saleem-ur-Rehman, who was holding the charge of the post of Director, Health Services, Jammu has retired on superannuation on 31.03.2023; and

WHEREAS, the Hon'ble Central Administrative Tribunal, disposed of the O.A. No. 61/718/2022 vide order dated 01.05.2023, the operative part of which is reproduced as under:-

"7. Keeping in view the above, the Original Application along with Miscellaneous Application No. 416 of 2023 is disposed of with a direction to Principal Secretary to Government, Department of Health & Medical Education, Union Territory of Jammu & Kashmir (Respondent No. 1 herein) to consider the applicant's case for posting him as Director, Health Services, Jammu, if he is otherwise eligible in terms of the rules. A further direction is issued to consider his case for granting him the benefits attached to the post of Director Health/ Family Welfare with effect from the date when he was posted as Incharge Director, Health/ Family Welfare in terms of the principles laid down by the Hon'ble Supreme Court in the case of Suraj Parkash Gupta Vs State of Jammu & Kashmir 2000 (7) SCC 561 and the Government Order No. 743 GAD of 2007 dated 28.06.2007 (Annexure A- 19). Before taking any decision into the matter, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of four weeks from the date of receipt of a certified copy of this order.

8. Ordered accordingly".

WHEREAS, in pursuance to order dated 01.05.2023 passed by the Hon'ble CAT, vide letter dated 31.05.2023, an opportunity was given to applicant,

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Dr. Samir Mattoo, to appear before the competent authority on 05.06.2023 to present his case; and

WHEREAS, the applicant, Dr. Samir Mattoo, appeared before the competent authority on scheduled date and time and submitted his case/grievance in light of the directions passed by the Hon'ble CAT on 01.05.2023; and

WHEREAS, the plea of the applicant has been examined in the light of the rules governing the subject and it has been observed that vide Government Order No. 200-HME of 2015 dated 04.06.2015, Dr. Samir Mattoo was holding the charge of the post of Director, Health Services, Kashmir on temporary basis and vide Government Order No. 168-HME of 2018 dated 05.03.2018, on the recommendation of the Empowered-cum-Selection Committee, he was appointed as Director, Health Services, Jammu/Family Welfare on substantive basis and also posted as Director, Family Welfare, MCH and Immunization, J&K. Besides, vide Government Order No. 226-JK(HME) of 2021 dated 22.03.2021, the applicant was transferred and posted as Project Director, AIDS Control Society, J&K on ex-cadre basis which is equivalent to the post of Director, Health Services. However, the retrospective benefit to the post of Director Health Services/Family Welfare w.e.f. 04-06-2015, i.e. the date when Dr. Samir Mattoo was posted as Incharge Director Health Services, Kashmir has been rejected by the Competent Authority (Hon'ble Lieutenant Governor) as conveyed by the General Administration Department vide U.O. No. GAD(Ser)Genl/38/2006-1 dated 28.10.2020 in view of the fact that consideration to the claim of the Dr. Samir Mattoo would revive claims of Dr. Phuntsog Angchok and can lead to reopening of similar cases in different services resulting in cadre disturbance.

NOW, THEREFORE, in compliance to the order dated 01.05.2023, passed by the Hon'ble Central Administrative Tribunal in O.A No. 61/718/2022 titled Dr. Samir Mattoo Vs UT of J&K and others, the claim of the applicant has been considered and found devoid of any merit and, hence, rejected.

By order of the Government of Jammu and Kashmir.

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

No. HD-Lgal/298/2022-02 (CC No. 234509)

Dated: 24 .07.2023

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. Director, Archives, Archaeology & Museums, J&K.
4. Project Director, J&K State AIDS Control Society.
5. OSD to the Advisor (B) to Hon'ble Lieutenant Governor, J&K.
6. PS to the Secretary to the Government, Health & Medical Education Department.
7. I/C Website H&ME.
8. Government Order file/Stock file/Monday Return file.

(Sanjeev Sharma) JKAS

Deputy Secretary to the Government

Vishal