



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

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Subject: O.A.No.61/806/2021 titled Dr. Madhu Khullar Vs UT of J&K & Ors. -  
**Consideration order thereof.**

**Government Order No. 590 -JK(HME) of 2023**

**Dated: 25.07.2023**

**WHEREAS**, Health & Medical Education Department received a communication dated 16.09.2021 from the Principal Accountant General (A&E), J&K whereunder the provisional pension of Dr. Madhu Khullar (Ex-Director Health Services, Jammu) under PPO No 111442708 was authorized in light of Article 168-D(1) of J&K CSR;

**AND WHEREAS**, the aforesaid communication also stated that the retiree has made several representations to the Administrative Department for considering sanction of full pensionary benefits for which the AG office took up the matter with the Directorate of Health Services, Jammu;

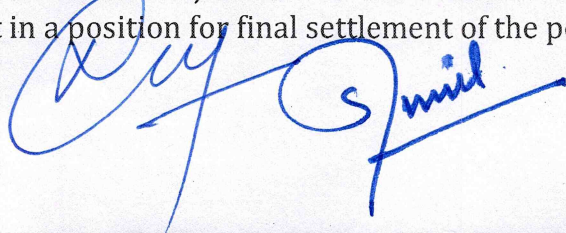
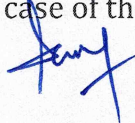
**AND WHEREAS**, Dr. Madhu Khullar also filed a petition before the Hon'ble CAT, Jammu seeking directions for release of post-retirement benefits including pension, GPF, Gratuity and salary etc in her favour;

**AND WHEREAS**, the Hon'ble Central Administrative Tribunal, Jammu Bench vide its order dated 21.05.2021 passed in O.A.No. 61/806/2021 directed the respondents to consider the instant O.A as representation preferred by the applicant and taking a decision on the same by passing a reasoned and speaking order and communicating the decision so taken to the applicant within a month from the date of issuance of order;

**AND WHEREAS**, the matter was examined in the department and vide letter dated 04.03.2022 the Director, Health Services, Jammu was requested to furnish detailed report in the matter. In response, the Director, Health Services, Jammu vide communication dated 10.03.2022 submitted detailed report in the matter;

**AND WHEREAS**, based on report of the Director, Health Services, Jammu, the matter was examined in the Department and it was deemed appropriate that before making formal sanction for the final settlement of the pension case, a status report of the case FIR No. 10/2013/P/S Crime Branch, Jammu be sought from the Special Director General of Police, Crime Branch, Jammu. The latter vide letter dated 08.04.2023 intimated that the case is subjudice before the Hon'ble Special Judge, Anti Corruption Court, Jammu;

**AND WHEREAS**, in view of the above stated facts, the Pension Sanctioning Authority is not in a position for final settlement of the pension case of the doctor in

question in anticipation of the case which is subjudice in the Anti Corruption Court, Jammu bearing FIR No. 10/2013/ P/S Crime Branch, Jammu.

**AND WHEREAS**, comments/views of the Director Finance, Health and Medical Education Department were also sought in the matter, who opined:-

*"It is pertinent to add here that prosecution against Dr. Madhu Khullar, the then Director Health Services, Jammu was sanctioned vide Government order No. 55-GAD of 2013 dated 26.11.2013 and the case is going on in the court of law. As per rules she has rightly been granted the provisional pension in terms of Article 168-D.(1) of JKCSRs. The extract of said Article provides as under:-*

*"Where any departmental or judicial proceeding is instituted under Article 168-A or where departmental proceeding is continued under clause (a) of proviso thereto against an officer who has retired on attaining the age of compulsory retirement or otherwise, he shall be paid during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceedings final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying service up to the date of retirement or if he was under suspension on the date of retirement, up to the date immediately preceding the, date on which he was placed under suspension, but no gratuity or death-cum-retirement gratuity shall be paid to him until the conclusion of such proceeding and the issue of final orders thereof"*

**AND WHEREAS**, the case of petitioner was examined in pursuance of Order dated 21st May, 2021 passed in O.A.No. 61/806/2021 titled Dr. Madhu Khullar Vs UT of J&K & Ors. as well as rules in vogue and it has been found that the said doctor has rightly been granted the provisional pension in terms of Article 168-D. (1) of JKCSRs;

Now, therefore, in pursuance of the order order dated 21st May, 2021 passed in O.A.No. 61/806/2021 titled Dr. Madhu Khullar Vs UT of J&K & Ors as well as rules in vogue, the case of the applicant has been considered and it has been found that the petitioner has rightly been granted the provisional pension in terms of Article 168-D.(1) of JKCSR and further course shall be taken only after the conclusion of FIR No. 10/2013/ P/S Crime Branch, Jammu, which is subjudice in the Anti Corruption Court, Jammu.

By order of the Government of Jammu and Kashmir.

Sd/-

(Bhupinder Kumar) IAS

Secretary to the Government

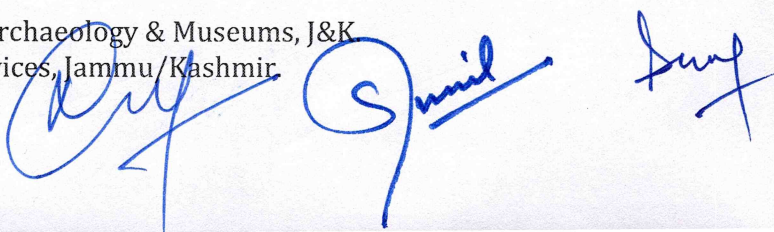
Health and Medical Education Department

No. HD-Gaz0Gen/60/2022-02-(CCNo.125402)

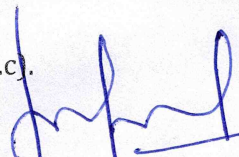
Dated: 25.07.2023

Copy to the:-

1. Joint Secretary (Jammu, Kashmir, Ladakh), Ministry of Home Affairs, Government of India, New Delhi.
2. Director, Archives, Archaeology & Museums, J&K
3. Director, Health Services, Jammu/Kashmir



4. Director, Finance, H&ME Department.
5. Additional Secretary to the Government, (HRM), H&ME Department.
6. Additional Secretary (Law), Health & Medical Education Department.
7. Pvt. Secretary to Secretary to the Government, Health & Medical Education Department.
8. Concerned Doctor.
9. I/c Website, Health and Medical Education Department.
10. Government Order file/Stock file/Monday Return (w.2.s.c).

  
**(Sanjeev Sharma) JKAS** 25/04/2023  
Deputy Secretary to the Government  
Health and Medical Education Department  
