

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

Subject: Conduct of Enquiry.

Government Order No: 614 -JK (HME) of 2023

Dated: 01.08.2023

WHEREAS, the Director Health Services, Kashmir in pursuance of the Government Order No. 336-HME of 1995 dated 17.07.1995 appointed the petitioner namely Dr. Nowshaba Rashid vide Order Est-3/1-133/1821-32 dated 25.07.1996 as Dental Surgeon on adhoc basis for a period of 89 days or till the posts are filled by the Competent Authority whichever is earlier and accordingly, she was posted in District Hospital, Anantnag;

AND WHEREAS, the petitioner approached before the Hon'ble Court by way of SWP No. 1021/2013- titled Dr. Nowshaba Rashid Vs State & Ors seeking direction for regularization of her services.

AND WHEREAS, The Hon'ble Court on 11-03-2016 disposed of the aforesaid writ petition with the following direction: -

"In the above facts and circumstances of the case, the writ petition is allowed and respondents are by writ of mandamus commanded to consider the case of the petitioner for regularization of her services as Dental Surgeon by reckoning the period of seven years from 1996 to 2003 and left out from 2008 onwards in light of the provisions of Civil Services (Special Provisions) Act, 2010, within four months."

AND WHEREAS, the Director Health Services, Kashmir vide communication dated: 14-12-2017 forwarded the case of the petitioner for her regularization under the provisions of Jammu & Kashmir Civil Services (Special Provisions) Act, 2010.

AND WHEREAS, the case of the petitioner was examined and was forwarded to the Finance Department vide U.O No: (Gaz)-Genl/233/2011 dated: 15-01-2018 for placement before the Empowered Committee constituted in terms of the Section 10 of the Jammu & Kashmir Civil Services (Special Provisions) Act, 2010 for scrutiny and verification with regard to her entitlement of regularization under the said Act.

AND WHEREAS, the Empowered Committee in the Finance Department in its 61st Meeting held on 25-04-2018 sought the following information about the petitioner: -

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a. Furnish the initial engagement order issued vide No. 336 - HME of 1995 dated: 17-07-1995 and work and conduct certificate of the incumbent.

b. Clarify as to whether the incumbent is working against a clear vacancy or migrant vacancy, as the incumbent was allowed to continue against a migrant / deputation vacancy as per the communication No: Es-3/1-133/3621 dated: 17-09-98

AND WHEREAS, the Department vide communication No: HD/Gaz/Genl/74/2018 dated: 31-08-2018 conveyed the aforesaid observations of the Empowered Committee about the petitioner to the Director Health Services Kashmir for further necessary action;

AND WHEREAS, the Director Health Services Kashmir vide communication dated: 07-01-2019 and 04-03-2020 has intimated that the Directorate is not in position to provide a copy of Government Order No. 336-HME of 1995 dated: **17-07-1995** as the same is not forthcoming from the official records at the Directorate level as well CMO Pulwama level;

AND WHEREAS, the Hon'ble Court passed orders from time to time in contempt petition filed by the petitioner to which statement of facts/ status report were filed;

AND WHEREAS, after examining the case of the petitioner in terms of writ court judgment dated 11.03.2016 passed in SWP No. 1021/2013 and also aforesaid observations of the Empowered Committee constituted in the Finance Department found that she has been appointed on adhoc basis in pursuance of Government Order No. 336-HME of 1995 dated: 17-07-1995 by the Director Health Services, Kashmir and the said Government Order is not forthcoming from the official records nor was it made available by the petitioner either at the time of filing the writ petition as annexure or anytime thereafter;

AND WHEREAS, in such a situation holding an enquiry into the matter as how the petitioner has been appointed as Dental Surgeon on adhoc basis by the Director Health Services, Kashmir in pursuance of aforesaid Government order has become necessary.

NOW THEREFORE, Dr. Yash Pal Sharma, Director Coordination, New Government Medical Colleges is hereby appointed as Inquiry Officer to conduct the enquiry regarding the genuineness or otherwise of appointment of Dr. Nowshaba Rashid as Dental Surgeon on Adhoc Basis made in pursuance of Government Order No. 336-HME of 1995 dated 17.07.1995 by the Director Health Service, Kashmir vide his order No. Est-3/1-133/1821-32 dated 25.07.1996 as the said Government Order is not forthcoming from the official records.

The Inquiry Officer will submit his report within 15 days from the date of issuance of this Order.

By order of the Government of Jammu and Kashmir.

Sd/-

(Bhupinder Kumar)IAS

Secretary to Government,
Health & Medical Education Department

Dated: 01.08.2023

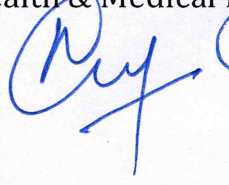
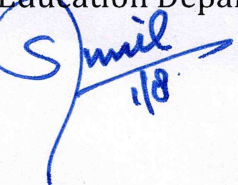
No. HD-Lgal/37/2022-02

Copy to the:-

1. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
2. Joint Secretary, Secretary (J&K), Ministry of Home Affairs, Government of India.
3. Commissioner/Secretary to Government, General Administration Department.
4. Secretary to Government, Department of Law, Justice & Parliamentary Affairs.
5. Director, Health Services, Kashmir.
6. Director Archives, Archaeology and Museums, J&K, Srinagar.
7. OSD with the Advisor (B).
8. Private Secretary to the Chief Secretary.
9. Private Secretary to the Secretary to Govt., Health & Medical Education Department.
10. I/C, Website, Health and Medical Education Department for N/A.
11. Concerned.
12. Government Order file/Stock file (w.2 s. c)


Sanjeev Sharma (JKAS)

Deputy Secretary to Government
Health & Medical Education Department



18