

Government of Jammu & Kashmir
Health & Medical Education Department
Civil Secretariat- Srinagar/Jammu

Subject:- Settlement of unauthorized/undecided period in respect of Dr. Jatinder Kour, Medical Officer (Ayurvedic).

Ref. :- No. DISM/Estt./8595 dated 04.11.2020 & No. DISM/Esst/1347 dated 05.05.2021 from Directorate of Ayush, J&K.

Government Order No. 287 -JK(HME) of 2022
Dated: 10 .05.2022

WHEREAS, Dr. Jatinder Kour, was appointed as Medical Officer (Ayurvedic) vide Government Order No. 626-HME of 2016 dated 02.12.2016 and submitted her joining report in the Directorate of Indian System of Medicine, J&K on 03.12.2016;

AND WHEREAS, vide Government Order No. 48-HME of 2017 dated 30.01.2017 the said Medical Officer was posted at Government ISM Dispensary Dharamsal, District Rajouri and remained performed her duties upto 16.02.2017;

AND WHEREAS, submitted her application to ADMO Rajouri seeking permission to peruse MD Ayurveda from Gujrat Ayurved University. However, the doctor left to peruse to the course without any approval/permission from the competent authority;


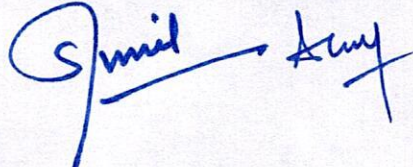

AND WHEREAS, in the meantime the said doctor filed writ petition in SWP No. 288/2017, before the Hon'ble High Court of J&K Jammu. The Hon'ble High Court passed interim directions on 14.02.2017, titled Jatinder Kour V/s State and ors. which are as under:-

"After hearing learned counsel for the petitioner, it is directed that competent authority shall take a decision on the representation submitted by the petitioner seeking leave to compete the MD course by a speaking order within a period of four weeks from today.

In the meanwhile, status quo with regard to the status of the petitioner shall be maintained with the aforesaid direction, the writ petition is disposed off."

AND WHEREAS, the said doctor re-joined after completion of MD course by the virtue of order of Hon'ble High Court J&K Jammu passed on 13.09.2017, in writ petition SWP No. 2256/2017 dated 13.09.2017, titled Jatinder Kour V/s State and Ors whereunder the Hon'ble court ordered as under:-

"Meanwhile, as interim and subject to objections in case no disciplinary action against the petitioner has been taken and she still continue in Government Service,


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she shall be allowed to join her duty at her own risk, salary, however, shall not be paid to her till further orders from this court".

AND WHEREAS, the Director, Ayush, J&K vide communication No. DISM/Est/9360 dated 23.10.2017, directed ADMO Rajouri to implement the interim directions of Hon'ble High Court passed in SWP No. 2256/2017 MP No. 01/2017 titled Jatinder Kour Sawhany V/s State and ors, in letter and spirit;

AND WHEREAS, however, on 04.12.2017, another order was passed by the Hon'ble High Court in SWP No. 2256/2017 with regard to salary which is as under:-

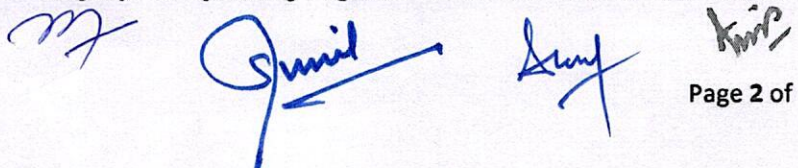
"In view of the submission made and taking into account the fact that the petitioner has already permitted to resume her duties, this writ petition is disposed of with a direction to the respondent that in case the petitioner is performing her duties on the post in question, the respondents shall release the salary in her favour", with the aforesaid directions, the writ petition is disposed off.

AND WHEREAS, thereafter the said doctor was further deployed at Govt. Ayurvedic Medical College Jammu vide Government Order No. 05-HME of 2019 dated 04.01.2019 and since then salary of the said doctor is being drawn against the lien free post of Government ISM Dispensary, Rajouri;

AND WHEREAS, the Health and Medical Education Department had already constituted Departmental Committee for examining such cases vide Government Order No. 511-HME of 2018 dated 13.09.2018 read with Government Order No. 726-HME of 2018 dated 21.12.2018 & Government Order No. 479-JK(HME) of 2021 dated 08.07.2021. Later on the Health and Medical Education Department vide Government Order No. 749-JK(HME) of 2021 dated 30.11.2021, re-constituted the Departmental Committee to be headed by Director Finance, H&ME Department for examining the cases of doctors or any officer/official of sub-ordinate office related to unauthorized absence/ overstay on deputation/ study leave or any other case of similar nature;

AND WHEREAS, the case of Dr. Jatinder Kour, Medical Officer, among others was placed before the Departmental Designated Committee for examination, wherein after series of meetings held w.e.f. 13.12.2021 to 15.12.2021 deliberated upon the matter and recommended as under:-

- i. The Committee recommends to treat the period for unauthorized absence w.e.f 17.02.2017 to 19.11.2017 in favour of Dr. Jatinder Kour, Medical Officer as Dies Non in terms of Article 163 of J&K Civil Services Regulations, 1956 by taking an administrative decision in the matter, and also subject to the outcome of any writ petition petition(s), if any, pending adjudication before any Competent Court & subject to the condition that the said doctor was not involved in any subversive activities and was not employed in any Government/Private sector and no departmental enquiry is pending against her, for which an affidavit



authenticated by 1st Class Judicial Magistrate shall be obtained by the Director, Ayush, J&K from the concerned doctor.

Besides, the concerned doctor shall be warned not to leave her place of posting for any occasion in future un-authorizedly, for which disciplinary action shall be initiated against her without any further notice;

Now therefore, the Department while taking considerate view in the matter as per recommendations of the Committee & in the interest of patient care, accords sanction as under:-

- i. to treat the period for unauthorized absence w.e.f 17.02.2017 to 19.11.2017 in favour of Dr. Jatinder Kour, Medical Officer as Dies Non, subject to the outcome of any writ petition petition(s), if any, pending adjudication before any Competent Court & subject to the condition that the said doctor was not involved in any subversive activities and was not employed in any Government/Private sector and no departmental enquiry is pending against her, for which an affidavit authenticated by 1st Class Judicial Magistrate shall be obtained by the Director, Ayush, J&K from the concerned doctor.

Besides, the concerned doctor is **warned** not to leave her place of posting for any occasion in future un-authorizedly, for which disciplinary action shall be initiated against her without any further notice.

By order of the Government of Jammu and Kashmir.

Sd/-

(Vivek Bharadwaj) IAS

Additional Chief Secretary

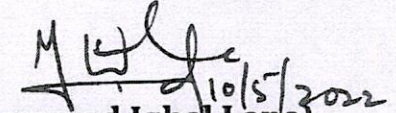
Health & Medical Education Department

No : HD-Ism/13/2021-02

Dated: 10.05.2022

Copy to the:-

1. Principal Secretary to the Hon'ble Lieutenant Governor.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
3. Director, Archives, Archeology & Museums, J&K.
4. Director Finance, Health and Medical Education Department.
5. Director, Ayush, J&k.
6. OSD to Advisor (B) to Lieutenant Governor.
7. Concerned doctor.
8. Private Secretary to Additional Chief Secretary, Health and Medical Education Department.
9. Government Order file/Stock file/ I/c Website H&ME.


(Mohammad Iqbal Lone)

Under Secretary to the Government
Health & Medical Education Department