

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

Subject:- Settlement of unauthorized/undecided period for undergoing Registrarship in Surgery in respect of Dr. Mukesh Kumar Sharma, Medical Officer.

Ref.:- No. DHSJ/ES-3/6001/1505 dated 30.07.2021 from Directorate of Health Services, Jammu.

**Government Order No. 201 -JK(HME) of 2022**

**Dated: 19 .04.2022**

WHEREAS, Dr. Mukesh Kumar Sharma, was appointed as Medical Officer in the Health Services Department vide Government Order No. 132-HME of 2014 dated 04.03.2014 and submitted his joining report in Directorate of Health Services, Jammu on 10.03.2014;

AND WHEREAS, the aforesaid doctor was selected Registrarship in the discipline of Surgery from Government Medical College, Jammu w.e.f 11-01-2017 and preferred to continue the same without prior permission/NOC or sanction of leave by the Administrative Department. However, the aforesaid doctor filed SWP SWP No. 14/2017 and M.P. No. 1/2017 titled Dr. Mukesh Kumar Sharma Vs State and Ors and the Hon'ble High Court passed interim order dated 10.01.2017, the operative of which is reproduced as under:-

*"Petitioner claims to be appointed as Registrar in the discipline of Surgery, Government Medical College, Jammu in terms of order No. 1775 of 2016 dated 24-12-2016. The condition No. 10 of the said order provides that in-service doctors are required to get proper relieving order from their parent department before joining, within 21 days from the date of issue of the said order failing which, the concerned candidates shall have no claim,*

*Notice, returnable within four weeks,  
List in the week commencing 13-02-2017  
M.P. No. 1/2017*

*Notice. Subject to objection and till next date before the Bench, the respondents No. 2, 3 and 5 are directed to relieve the petitioner to enable him to join as Registrar in the Discipline of General Surgery in GMC Jammu. In the event, the petitioner is not relieved by the Director, health Services, Jammu he shall report for duties before the Principal, GMC notwithstanding the fact that relieving order has not been formally obtained by him from his parent department.*

AND WHEREAS, after completion of the aforesaid course, the Medical Officer has reported in the Directorate of Health Services, Jammu on 02-02-2019 and thereafter he applied for study leave w.e.f. 06-02-2019 just after 4 days of reporting in the Directorate of Health Services, Jammu and after that he

left from the duties without NOC/permission of the Administrative Department for perusing one year fellowship course in Minimal Access Surgery from Swagat Academy of Medical Sciences Guwhati, Assam.

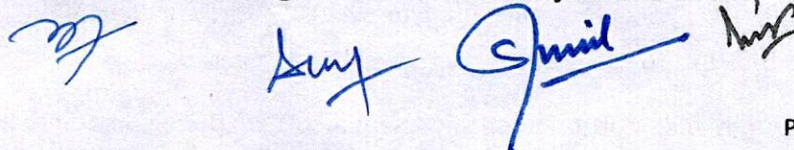
AND WHEREAS, after completion of the said course Dr. Mukesh Kumar Sharma submitted his joining report in the Directorate of Health Services, Jammu on 18-12-2019 and thereafter the said doctor was deployed to work at CHC, Katra.

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. Mukesh Kumar Sharma, 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 recommend to treat the period of undergoing Registrarship in the department of Surgery at Government Medical College, Jammu w.e.f 11.01.2017 to 01.02.2019 and the period of undergoing Fellowship Programme at Swagat Academy of Medical Sciences, Guwhati, Assam w.e.f. 06.02.2019 to 17.12.2019 as "Dies Non" in terms of Article 163 of J&K Civil Services Regulations, 1956 by taking an Administrative decision in the matter.
- ii. The committee recommends the action taken by Director Health Services, Jammu with regard to the utilization of the services of the said doctor on his rejoining be confirmed.
- iii. The above decision shall be subject to the condition that the said doctor was not involved in any subversive activities as well as he was not employed in any Government/Private sector and no departmental enquiry is pending against him, for which an affidavit duly authenticated by 1st Class Judicial Magistrate shall be obtained by the Directorate of Health Services, Jammu from the concerned doctor.

Besides, the concerned doctor shall be warned not to leave his place of posting for any occasion in future un-authorizedly, for which disciplinary action shall be initiated against him 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 of undergoing Registrarship in the department of Surgery at Government Medical College, Jammu w.e.f 11.01.2017 to 01.02.2019 and the period of Fellowship Programme at Swagat Academy of Medical Sciences, Guwhati, Assam w.e.f. 06.02.2019 to 17.12.2019 as "Dies Non".
- ii. Action taken by Director Health Services, Jammu with regard to the utilization of the services of the said doctor on his rejoining is confirmed.
- iii. The above decision shall be subject to the condition that the said doctor was not involved in any subversive activities as well as he was not employed in any Government/Private sector and no departmental enquiry is pending against him, for which an affidavit duly authenticated by 1st Class Judicial Magistrate shall be obtained by the Directorate of Health Services, Jammu from the concerned doctor.

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

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

Sd/-

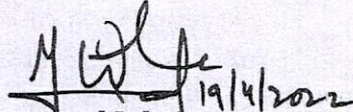
**(Vivek Bharadwaj) IAS**  
Additional Chief Secretary  
Health & Medical Education Department

No. HD-Gaz0Gen/93/2021-02

Dated: 19.04.2022

Copy to the:-

1. Principal Secretary to the Hon'ble Lieutenant Governor.
2. Joint Secretary (Jammu, Kashmir & Ladakh), Ministry of Home Affairs, Government of India.
3. Director, Archives, Archeology & Museums, J&K.
4. Director, Health Services, Jammu.
5. Director Finance, Health and Medical Education Department.
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

