

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

Subject:- Settlement of period of unauthorized/undecided period for undergoing PG in Anesthesia in respect of Dr. Sadia Ali Wani, Medical Officer.

Ref.:- No. Est./3/1-133/4914 dated 01.07.2021 from Directorate of Health Services, Kashmir.

Government Order No. 203 -JK(HME) of 2022

Dated:- 19 .04.2022

WHEREAS, Dr. Sadia Ali Wani, was appointed as Medical Officer in the Health Services Department vide Government Order No. 132-HME of 2014 dated 04.03.2014 and submitted her joining report in Directorate of Health Services, Jammu on 10.03.2014. However, during the period she was undergoing P.G in Anaesthesia at SKIMS Soura and accordingly vide Government Order No. 635-HME of 2014 dated 25.10.2014 permission was granted to the doctors appointed vide Government Order No. 132-HME of 2014 dated 04.03.2014 to continue their P.G/Diploma Courses, subject to the conditions that their period of study shall be decided separately;

AND WHEREAS, the said doctor after completion of P.G course joined back in Directorate of Health Services, Kashmir on 01.06.2016;

AND WHEREAS, the doctor while posted at DH Pulwama after availing the maternity leave for child care w.e.f. 15.02.2017 which was not sanctioned, but the doctor left without prior sanction, the doctor on 12.04.2017 applied for study leave under Fellowship in Critical care at Delhi;

AND WHEREAS, the doctor left un-authorizedly, notice was issued to her under DHSK office letter No. Est/3/1-133/584-87 dated 26.05.2017 wherein the doctor was informed that the request for NOC/Study leave cannot be considered as per standing rules and opportunity was given to her to report back to her duties within five days;

AND WHEREAS, aforesaid doctor filed a writ petition in the Hon'ble High Court order dated 03.06.2017 titled Sadia Ali Wani V/s State of J&K & Ors. and the operative part of which is reproduced as under:-

"In the meantime, subject to objections and till next date of hearing before the bench, it is provided that the post of Medical Officer, against the petitioner stands substantively appointed shall not be filled up till further order from this court list after service is complete."

AND WHEREAS, the said doctor submitted her joining report in the Directorate of Health Services, Kashmir on 23.04.2020 with the representation

stating therein that she didn't undergo fellowship course as same was not recognized and she joined in Jamia Hamdard Institute as Senior Resident in Anesthesia for which the said doctor submitted the certificate issued by Hamdard Institute of Medial Sciences;

AND WHEREAS, vide Government Order No. 647-JK(HME) of 2020 dated 01.09.2020 she was posted at JLNH Hospital Srinagar, with the stipulation that the period of her absence shall be decided separately;

AND WHEREAS, the Directorate of Health Services, Kashmir has forwarded her case regarding rejoining/settlement period of unauthorized absence w.e.f. 10.03.2014 to 31.05.2016 (P.G period) & 15.02.2017 to 22.04.2020 to the Administrative Department for issuance of appropriate necessary instructions;

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 subordinate office related to unauthorized absence/ overstay on deputation/ study leave or any other case of similar nature;

AND WHEREAS, the case of Dr. Sadia Ali Wani, 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 of undergoing P.G in Anesthesia at SKIMS Soura w.e.f 10.03.2014 to 31.05.2016 in favour of Dr. Sadia Ali Wani, Medical Officer as extension in joining time which shall be without financial implications by taking an administrative decision in the matter. However, such extension period shall not count as service in the Department.
- ii. The Committee further recommends to treat the period of unauthorized absence w.e.f. 15.02.2017 to 22.04.2020 in favour of Dr. Sadia Ali Wani, Medical Officer may be treated as "Dies Non" in terms of Article 163 of J&K Civil Services Regulations, 1956 by taking an Administrative decision in the matter.
- iii. The above decisions (i) & (ii) shall be subject to the condition that the said doctor was not involved in any subversive activities as well as she was not employed in any Government/Private sector and no departmental enquiry is pending against her, for which an affidavit duly authenticated by 1st Class Judicial Magistrate shall be obtained by the Directorate of Health Services, Kashmir 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 of undergoing P.G in Anesthesia at SKIMS Soura w.e.f 10.03.2014 to 31.05.2016 in favour of Dr. Sadia Ali Wani, Medical Officer as extension in joining time which shall be without financial implications.. However, such extension period shall not count as service in the Department.
- ii. to treat the period of unauthorized absence w.e.f. 15.02.2017 to 22.04.2020 in favour of Dr. Sadia Ali Wani, Medical Officer as "Dies Non".
- iii. The above decisions (i) & (ii) shall be subject to the condition that the said doctor was not involved in any subversive activities as well as she was not employed in any Government/Private sector and no departmental enquiry is pending against her, for which an affidavit duly authenticated by 1st Class Judicial Magistrate shall be obtained by the Directorate of Health Services, Kashmir 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

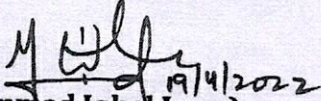
Health & Medical Education Department

Dated: 19.04.2022

No. HD-Gaz0Gen/8/2022-02

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, Kashmir.
5. OSD to Advisor (B) to Lieutenant Governor.
6. Concerned doctor.
7. Private Secretary to Additional Chief Secretary, Health and Medical Education Department.
8. Government Order file/Stock file/ I/c Website H&ME.


(Mohammad Iqbal Lone)

**Under Secretary to the Government
Health & Medical Education Department**