

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

Subject:- Settlement of unauthorized/undecided period for undergoing Demonstratorship in Pathology in respect of Dr. Isma Niyaz, Medical Officer.

Ref.:- No. Est./3/1-133/8286 dated 02.12.2021 from Directorate of Health Services Kashmir.

Government Order No. 216 -JK(HME) of 2022

Dated: 20 .04.2022

WHEREAS Dr. Isma Niyaz, was appointed as Medical Officer in the Health Services Department vide Government Order No. No. 639-HME of 2016 dated 09.12.2016 and submitted her joining report in Directorate of Health Services, Kashmir on 22.12.2016;

AND WHEREAS, during initial appointment, the aforesaid doctor was undergoing Demonstratorship in Pathology at Government Medical College, Srinagar and preferred to continue the same without prior permission/NOC or sanction of leave by the Administrative Department;

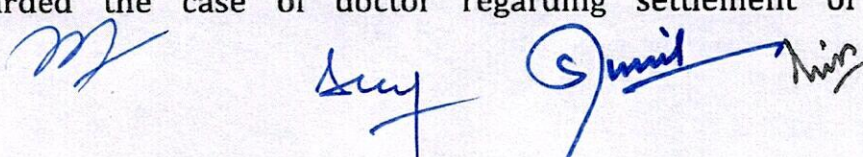
AND WHEREAS, the aforesaid doctor filed SWP No. 89/2017 titled Dr. Ayaz Ali Mir & Ors V/s State & Ors. and the Hon'ble High Court passed interim order dated 31.01.2017, the operative part of which is reproduced as under:-

"Learned counsel for the petitioners submits that the writ petition involving the same controversy is entertained and an interim order has been passed. In support of aforesaid submission, learned counsel for the petitioners has invited attention of this court to order dated 30.10.2014 passed in SWP No. 2047/2014.

In view of the aforesaid submission and with a view to maintain parity, it is directed that the petitioners shall be allowed to complete Registrarship/ Sr. Residency without prejudice to their appointment as Medical Officer by treating them on deputation till next date of hearing"

AND WHEREAS, after completion of Demonstratorship the said doctor applied for joining in Directorate of Health Services, Kashmir on 27.12.2018 and was allowed to join by the Administrative Department vide Government Order No. 639-HME of 2019 dated 08.07.2019 notionally from 27.12.2018 and monetarily from 08.07.2019;

AND WHEREAS Directorate of Health Services, Kashmir has forwarded the case of doctor regarding settlement of period of



authorized/unauthorized absence w.e.f. 22.12.2016 to 26.12.2018 to the Administrative Department;

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. Isma Niyaz, 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 Demonstratorship w.e.f 22.12.2016 to 26.12.2018 in favour of Dr. Isma Niyaz, Medical Officer as extension in joining time by taking an administrative decision in the matter which is without financial implications 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 as well as she 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 Directorate of Health Services, Kashmir from the concerned doctor. However, such extension period shall not count as service in the Department.
- ii. 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 Demonstratorship w.e.f 22.12.2016 to 26.12.2018 in favour of Dr. Isma Niyaz, Medical Officer as extension in joining time which is without financial implications, 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 as well as she 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 Directorate of Health Services, Kashmir from the concerned doctor. However, such extension period shall not count as service in the Department.

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.

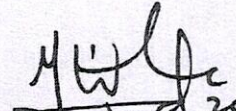
Sd/-
(Vivek Bharadwaj) IAS
Additional Chief Secretary
Health & Medical Education Department

No. HD-Gaz0Gen/454/2021-02

Dated: 20.04.2022

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, Archaeology & Museums, J&K.
4. Director, Health Services, Kashmir.
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
