

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

Subject:- Settlement of unauthorized/undecided period of undergoing DNB Course in Genito Urinary Surgery in respect of Dr. Muzaffar Bashir, Medical Officer.

Ref.:- No. Est/3/1-133/5271 dated 06.08.2021 from Directorate of Health Services Kashmir.

**Government Order No. 218 -JK(HME) of 2022**  
**Dated: 20.04.2022**

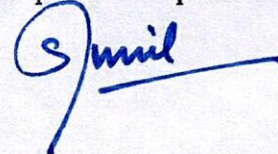
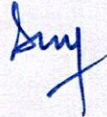
WHEREAS, Dr. Muzaffar Bashir was appointed as Medical Officer in the Health Services Department vide Government Order No. 335-HME of 2010 dated 17.06.2010 and submitted his joining report in Directorate of Health Services, Kashmir on 23.06.2010;

AND WHEREAS, during initial appointment of aforesaid doctor, he was undergoing Sr. Residency in Surgery at SKIMS, Soura 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 CMP No.1987/2010 in SWP No 1281/2010 titled Dr. Masarat Sultana & Ors V/s State of JK & Ors. and the Hon'ble High Court passed interim order dated 26.07.2010, the operative part of which is reproduced as under:-

*"Meanwhile, subject to objections of the other side the order impugned in the present petition shall remain in abeyance in so far as it relates to the rights of the petitioners and the petitioners shall be allowed to pursue and complete the post graduation degree course/senior Residency/Registrarship in their respective institutions/college. Their right to give the same is protected."*

AND WHEREAS, after completion of Senior Residency Dr. Muzaffar Bashir joined back in Directorate of Health Services, Kashmir on 03.06.2013 and without prejudice to the outcome of various writ petitions pending disposal in the





Hon'ble High Court, the said doctor was directed to report PHC Watkaloo, Budgam by Directorate of Health Services, Kashmir vide order No. Est/3/1-133/1680-83 dated 14.08.2013;

AND WHEREAS, the said doctor while posted in Block Chadoora applied 60 days earned leave w.e.f. 17.02.2016 on the grounds of the treatment of his grandmother, while as on other side on 11.05.2016, Directorate of Health Services, Kashmir received application of the said doctor wherein he requested grant of 03 years study leave and again left without the permission/NOC of the Administrative Department and it also surfaced that he has joined the DNB Course on 17.02.2016;

AND WHEREAS, the aforesaid doctor after completion of the course joined back in Directorate of Health Services, Kashmir on 19.06.2019 and Administrative Department vide Government Order No. 639-HME of 2019 dated 08.07.2019 accorded acceptance of the joining of the doctor notionally from 19.06.2019 and monetarily from 08.07.2019 and was posted at SDH Charar e Sharief;

AND WHEREAS, the aforesaid doctor while posted at SDH Charar e Sharief was transferred and posted at DH Handwara vide Government Order No. 55-JK(HME) of 2019 dated 13.12.2019 against the available post of Medical Officer;

AND WHEREAS, the Directorate of Health Services, Kashmir has forwarded his case regarding settlement of period for undergoing Sr. Residency in Surgery at SKIMS Soura w.e.f. 23.06.2010 to 02.06.2013 and DNB Course in Genito Urinary Surgery (Urology) w.e.f. 17.02.2016 to 18.06.2019 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;

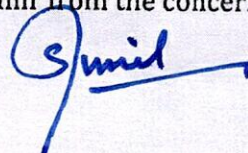
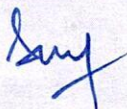
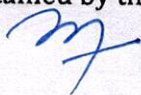
AND WHEREAS, the case of Dr. Muzaffar Bashir, Medical Officer, among others was placed before the Departmental Designated Committee for examination, wherein after series of meetings held w.e.f. 13.12.2021 to 15.12.2021 deliberated upon the matter and recommended as under:-

- i. The Committee recommends to treat the period for undergoing Sr. Residency in Surgery at SKIMS Soura w.e.f. 23.06.2010 to 02.06.2013 in favour of Dr. Muzaffar Bashir, Medical Officer as extension in joining time by taking administrative decision which shall be without financial implications and also subject to the outcome of any writ petition petition(s), if any, pending adjudication before any Competent Court. However such extension period shall not count service in the department.
- ii. Treat the period for undergoing DNB Course in Genito Urinary Surgery (Urology) w.e.f. 17.02.2016 to 18.06.2019 as **Dies Non** in terms of Article 163 of J&K Civil Services Regulations, 1956 by taking administrative decision in the matter.
- iii. The above recommendations at (i) & (ii) shall be 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 him, 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 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 for undergoing Sr. Residency in Surgery at SKIMS Soura w.e.f. 23.06.2010 to 02.06.2013 in favour of Dr. Muzaffar Bashir, Medical Officer as extension in joining time which shall be without financial implications and also subject to the outcome of any writ petition petition(s), if any, pending adjudication before any Competent Court. However such extension period shall not count service in the department. .
- ii. To treat the period for undergoing DNB Course in Genito Urinary Surgery (Urology) w.e.f. 17.02.2016 to 18.06.2019 in favour of Dr. Muzaffar Bashir, Medical Officer as Dies-Non.
- iii. The above recommendations at (i) & (ii) are 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 him, 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 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.**

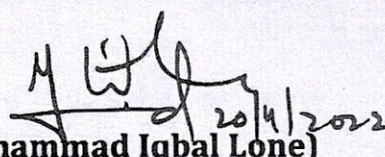
**Sd/-**  
**(Vivek Bharadwaj) IAS**  
Additional Chief Secretary  
Health & Medical Education Department

No:HD-Gaz0Gen/83/2021-02

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, Archeology & 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

