

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

Subject:- Settlement of unauthorized/undecided period for undergoing Registrarship in respect of Dr. Shahnaz Sheikh, Medical Officer.

Ref.:- No. Est./3/1-133/5041 dated 08.07.2021 from Directorate of Health Services Kashmir.

Government Order No. 220 -JK(HME) of 2022
Dated: 21 .04.2022

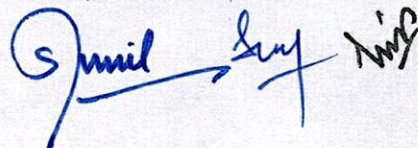
WHEREAS Dr. Shahnaz Sheikh, was appointed as Medical Officer in the Health Services Department vide Government Order No. 132-HME of 2014 dated 04.03.2014 and submitted his joining report in Directorate of Health Services, Kashmir on 08.03.2014;

AND WHEREAS, during the period he was undergoing PG in the Department of ENT, the said doctor was kept on inter-cadre deputation vide Government Order No. 302-HME of 2014 dated 13.06.2014. Later on, 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 to continue their PD/Diploma Courses, subject to the condition that the period of study shall be decided separately. The doctor after completion of PG joined back in Directorate of Health Services, Kashmir on 28.05.2015;

AND WHEREAS, the said doctor while posted at SDH Dooru approached for relieving to undergo Sr. Residency/Registrarship outside the U.T. of Jammu & Kashmir and submitted departure report before Medical Superintendent SDH Dooru on 23.01.2017, preferred to continue the same without prior permission/NOC or sanction of leave by the Administrative Department. However, the aforesaid doctor filed SWP No.31/2017 titled Dr Shabir Ahmad Khanday V/s State & ors, and the Hon'ble High Court passed interim order dated 11.01.2017, the operative of which is reproduced as under:-

".....In the meantime, subject to objections, respondents to allow petitioners to join as Senior Residents, provided there is no legal impediment. List after service is completed".

AND WHEREAS, after the completion of course, the said doctor rejoined in Directorate of Health Services, Kashmir on 11.05.2019. Vide



Government Order No. 639-HME of 2019 dated 08.07.2019 Dr. Shahnaz Sheikh Medical Officer, among others, rejoining was accepted notionally from the date they have reported in Directorate of Health Services, Kashmir and monetarily with immediate effect;

AND WHEREAS, the Directorate of Health Services, Kashmir has forwarded his case regarding settlement of period of authorized/unauthorized absence w.e.f. and 23.01.2017 to 10.05.2019 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. Shahnaz Sheikh 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 Registrarship w.e.f 23.01.2017 to 10.05.2019 in respect of Dr. Shahnaz Sheikh, 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 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 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 of undergoing Registrarship w.e.f 23.01.2017 to 10.05.2019 in respect of Dr. Shahnaz Sheikh, Medical Officer as "Dies Non" and 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 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/-

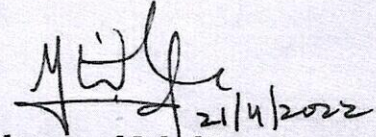
(Vivek Bharadwaj) IAS
Additional Chief Secretary
Health & Medical Education Department

No. HD-Gaz0Gen/426/2021-02

Dated: 21.04.2022

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.


21/4/2022

(Mohammad Iqbal Lone)

Under Secretary to the Government
Health & Medical Education Department

