

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

Subject:- Settlement of unauthorized/undecided period of undergoing P.G in Pediatrics in respect of Dr. Younis Ashraf, Medical Officer, CHC Hajin.

Ref.:- No. Est/3/1-133/4769 dated 16.06.2021 from Directorate of Health Services Kashmir.

**Government Order No. 271 -JK(HME) of 2022**  
**Dated: 06 .05.2022**

WHEREAS, Dr. Younis Ashraf was appointed as Medical Officer in the Health Services Department vide Government Order No. 639-HME of 2016 dated 09.12.2016 and submitted his joining report in Directorate of Health Services, Kashmir on 24.12.2016;

AND WHEREAS, during initial appointment of aforesaid doctor, he was undergoing P.G in Pediatrics at SKIMS Soura and preferred to continue the same without prior permission/NOC or sanction of leave by the Administrative Department. However, the aforesaid doctor filed SWP No 148/2017 titled Dr.Irshad Ahmed &Ors V/s State & Ors. and the Hon'ble High Court passed interim order dated 09.02.2017, the operative part of which is reproduced as under:-

*"Be that as it may, with a view to maintain consistency, it is directed that the petitioners shall be allowed to complete their Post graduate courses without prejudice to their appointment as Medical Officers, till next date of hearing."*

AND WHEREAS, after completion of P.G Course, Dr. Younis Ashraf, Medical Officer submitted application for re-joining on 02.05.2017 in Directorate of Health Services, Kashmir and the matter was taken up with the Administrative Department;

AND WHEREAS, the Health and Medical Education Department vide communication No. HD/Gaz/Gen/125/2017 dated 23.02.2018 has conveyed approval of the Administrative Department to allow the concerned doctor to join the department from the date he had submitted his joining report in the Directorate of Health Services, Kashmir, subject to the

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condition the period spent by the doctor (i.e. 24.12.2016 to 01.05.2017) will be decided separately and his posting at CHC Hajin was also confirmed;

AND WHEREAS, Directorate of Health Services, Kashmir has forwarded the case of Dr. Younis Ashraf, Medical Officer regarding settlement of period for undergoing P.G Course at SKIMS, Soura w.e.f 24.12.2016 to 01.05.2017 to the Administrative Department;

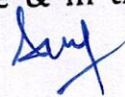
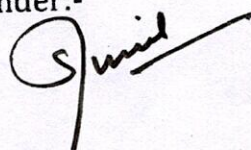
AND WHEREAS, the Health and Medical Education Department had already constituted Departmental Committee for examining such cases vide Government Order No. 511-HME of 2018 dated 13.09.2018 read with Government Order No. 726-HME of 2018 dated 21.12.2018 & Government Order No. 479-JK(HME) of 2021 dated 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 instant case of Dr. Younis Ashraf, Medical Officer, among others was placed before the Departmental 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 during which he was undergoing P.G i.e. 24.12.2016 to 01.05.2017 in favour of Dr. Younis Ashraf, Medical Officer afresh as extension in joining time by taking an administrative decision which shall be without any financial implications and also 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 and 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. However, such extension period shall not count as service in the department.*

*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 during which Dr. Younis Ashraf, Medical Officer was undergoing P.G in Paediatrics from SKIMS Soura, Srinagar w.e.f. 24.12.2016 to 01.05.2017, afresh as extension in joining time which shall be without any financial implications and also subject to the outcome of any writ petition petition(s), if any, pending adjudication before any Competent Court of Law & 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 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 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.**

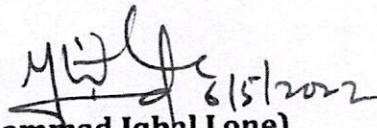
Sd/-  
**(Vivek Bharadwaj) IAS**  
Additional Chief Secretary  
Health & Medical Education Department

No. HD-Gaz/28/2021-02

Dated: 06.05.2022

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 Finance, Health and Medical Education Department.
4. Director, Archives, Archeology & Museums, J&K.
5. Director Health Services, Kashmir.
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  
