

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

Subject: Settlement of period of unauthorized/undecided period in respect of Dr. Imtiyaz Ahmad Shah, Medical Officer.

Ref. No. Est/3/1-133/8532 dated 27.12.2021 from Directorate of Health Services Kashmir.

Government Order No. 373 -JK(HME) of 2022
Dated: 03 .06.2022

WHEREAS, Dr. Imtiyaz Ahmad Shah 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 20.12.2016;

AND WHEREAS, the aforesaid doctor while posted at SDH Tangmarg was selected for P.G in Pathology at Government Medical College, Srinagar and left for same on the orders of Hon'ble High Court. However, the aforesaid doctor filed SWP No 1225/2018 titled Imtiyaz Ahmad Shah & Ors V/s State & Ors. and the Hon'ble High Court passed interim order dated 02.06.2018, the operative part of which is reproduced as under:-

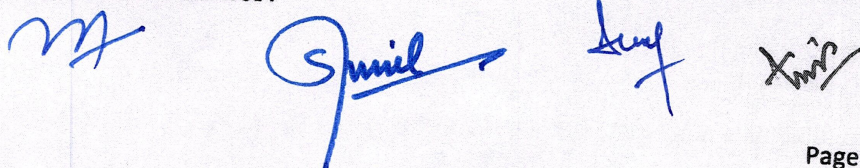
"The case of the petitioner is that he has been appointed as Medical Officer in the Health Department in the year 2016, it is stated that the petitioner has been selected for the course of MD Pathology in Government Medical College, Srinagar. It is stated that the respondents are not issuing the relieving order to the petitioner to enable him to join pursuant to the above said selection."

Notice in the main as well as in MP returnable within a period of four weeks.

List on 3rd July 2018.

"In the meantime, subject to objection from the other side and till next date before the bench, it is ordered that Principal, Government Medical College, Srinagar (respondent No.03) shall allow the petitioner to join against the selected discipline notwithstanding the fact that no relieving order has been issued by Director, Health Services, Kashmir."

AND WHEREAS, the aforesaid doctor filed another writ petition SWP No 1225/2018 titled Imtiyaz Ahmad Shah & Ors V/s State & Ors. and the Hon'ble High Court passed interim order dated 12.07.2018, the operative part of which is reproduced as under:-



"In the meantime, subject to objection of other side and till next date before the bench, respondents are directed to release the legitimately earned salary in favour of the petitioner".

AND WHEREAS, after completion of P.G Course, Dr. Imtiyaz Ahmad Shah Medical Officer submitted application for re-joining on 01.09.2021 in Directorate of Health Services, Kashmir and the matter was taken up with the Administrative Department;

AND WHEREAS, the Directorate of Health Services, Kashmir has forwarded the case of the doctor regarding settlement of period of authorized/unauthorized absence/acceptance of rejoining w.e.f. 17.05.2018 to 31.08.2021 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. Imtiyaz Ahmad Shah Medical Officer, among others was placed before the Departmental Designated Committee for examination, wherein after series of meetings held on 10-01-2022 & 04.04.2022 deliberated upon the matter and recommended as under:

- i. The committee recommend to accept rejoining in favour of Dr. Imtiyaz Ahmad Shah, Medical Officer notionally w.e.f. 01.09.2021 and monetarily effect from the date the concerned doctor is posted and resumes duties at the place of posting by taking Administrative decision.
- ii. Treat the period for undergoing PG in Pathology at GMC, Srinagar w.e.f. 17.05.2018 to 31.08.2021 in favour of Dr. Imtiyaz Ahmad Shah, Medical Officer as Dies Non in terms of Article 163 of J&K Civil Services Regulations, 1956 by taking 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.

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- iii. 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 accept rejoining in favour of Dr. Imtiyaz Ahmad Shah, Medical Officer notionally w.e.f. 01.09.2021 and monetarily effect from the date the concerned doctor is posted and resumes duties at the place of posting.
- ii. treat the period for undergoing PG in Pathology at GMC, Srinagar w.e.f. 17.05.2018 to 31.08.2021 in favour of Dr. Imtiyaz Ahmad Shah, Medical Officer as Dies Non, 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/-

(Manoj Kumar Dwivedi) IAS

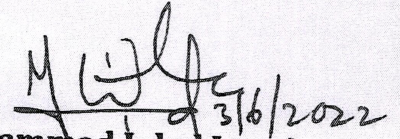
Principal Secretary to the Government
Health & Medical Education Department

Dated: 03.06.2022

No HD-Gaz0Gen/480/2021-02

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 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 Principal Secretary to the Government, Health and Medical Education Department.
9. Government Order file/Stock file/ I/c Website H&ME.


3/6/2022

(Mohammad Iqbal Lone)

Under Secretary to the Government
Health & Medical Education Department

