

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

Subject:- Settlement of period of unauthorized/undecided period in respect of Dr. Aliya Tabasum, Medical Officer.

Ref. No. Es-3/5409/4316 dated 29.02.2021 from Directorate of Health Services, Jammu.

Government Order No. 429 -JK(HME) of 2022
Dated: 20 .06.2022

WHEREAS, Dr. Aliya Tabasum was appointed as Medical Officer in the Health Services Department vide Government Order No. 212 -HME of 2007 dated 28.03.2007 and submitted her joining report in the Directorate of Health Services, Jammu on 09.04.2007;

AND WHEREAS, the Director Health Services, Jammu vide communication No. DHSJ/ES-3/5409-358 dated 09.05.2014 has informed that the aforesaid doctor had joined in the Directorate on 09.04.2007 and remained there till 04.05.2007 and subsequently joined Government Medical College, Jammu after being selected for MD Course;

AND WHEREAS, after the completion of P.G Course, she reported in the Directorate of Health Services, Jammu on 02.07.2010 and was posted at SDH Gool by Director, Health Services, Jammu vide Order No. 413 G of 2010 dated 20.07.2010;

AND WHEREAS, the aforesaid doctor while posted at SDH Gool and proceeded on unauthorized absence from duties and had directly applied for Sr. Residency at SKIMS, Soura Srinagar and thereafter had applied for relieving in Directorate of Health Services, Jammu which was disallowed by issuing a notice vide No. DHSJ/4018-22 dated 03.03.2011 and left without permission/NOC of the Administrative Department;

AND WHEREAS, the aforesaid doctor filed SWP No 479/2011, CM No.680/2011 titled Dr. Aliya Tabasum & Ors V/s State & Ors. for undergoing Sr. Residency Course at SKIMS w.e.f. 02.04.2011 and the Hon'ble High Court passed interim order dated 24.02.2011, the operative part of which is reproduced as under:-

"It is contended that the petitioner stands selected/appointed as Stipendiary Senior Resident vide order dated 24.02.2011 in the speciality of Gynae. and Obstetrics on tenure basis at the Sher-I-Kashmir Institute of Medical Sciences, Soura, Srinagar.

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She is required to join on the date of issuance of the order. It is further contended that respondents 4 and 5 are not relieving the petitioner enabling her to join against the post and in case she is not allowed to join the said post within the stipulated time, her offer shall stand withdrawn.

Notice in the CMP also as aforesaid.

In the meanwhile, respondents 4 and 5 are directed to relieve the petitioner and thereafter respondent No. 3 shall allow the petitioner to join provisionally. This order shall however, be subject to objections from the other side".

AND WHEREAS, the said doctor after completion of Sr. Residency Course joined back in Directorate of Health Services, Jammu and Administrative Department vide communication No. HD/Gaz/Gen/44/2016 dated 02.08.2017 conveyed approval to concerned Director for allowing the said Medical Officer to join the duties and is presently posted at District Hospital, Doda as Assistant Professor on inter cadre deputation basis for a period of two years vide Government Order No. 410-HME of 2019 dated 05.04.2019;

AND WHEREAS, the Directorate of Health Services, Jammu has forwarded the case of the doctor regarding settlement of period of authorized/unauthorized absence w.e.f. 02.04.2011 to 26.04.2014 and 02.05.2014 to 01.08.2017 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 case of Dr. Aliya Tabasum, 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 recommends to treat the period for undergoing Sr. Residency Course w.e.f 02.04.2011 to 01.08.2017 in favour of Dr. Aliya Tabasum, Medical Officer as Dies-Non in terms of Article 163 of J&K CSR,

1956 by taking an Administrative decision 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, Jammu from the concerned doctor.

- 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 to treat the period for undergoing Sr. Residency Course w.e.f 02.04.2011 to 01.08.2017 in favour of Dr. Aliya Tabasum, Medical Officer as **Dies-Non**, 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, Jammu from the concerned doctor.

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/-

(Manoj Kumar Dwivedi) IAS

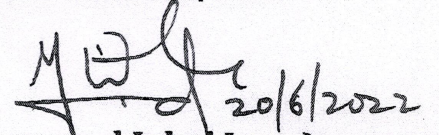
Principal Secretary to the Government,
Health & Medical Education Department

No. : : HD-Gaz0Gen/50/2022-02

Dated: 20 .06.2022

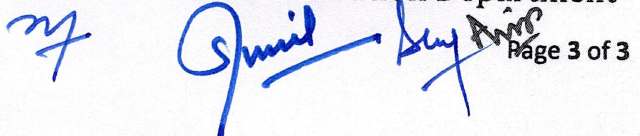
Copy to the:-

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, Jammu.
5. Director Finance, Health and Medical Education Department.
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/ 1/c Website H&ME.


20/6/2022

(Mohammad Iqbal Lone)

Under Secretary to the Government
Health & Medical Education Department


Page 3 of 3