

GOVERNMENT OF JAMMU AND KASHMIR
HEALTH & MEDICAL EDUCATION DEPARTMENT
HUMAN RESOURCE MANAGEMENT BRANCH
Civil Secretariat, J&K, Jammu.

Subject: Unauthorized absence of doctors – joining thereof.

Government Order No. 502-JK(HME) of 2022

Dated: 14.07.2022

WHEREAS, vide Government Order No. 639-HME of 2016 dated 09.12.2016, Dr. Adfar Ahmad Shah was appointed as Medical Officer in the Health & Family Welfare Department;



AND WHEREAS, Dr. Adfar Ahmad Shah Medical Officer while working at CHC Zainpora Shopian left w.e.f. 05.02.2019 after submitting departure report before BMO Shopian for undergoing Senior Residency in Surgery at SKIMS Soura for which he filed a writ petition in SWP No.161/2019 titled Dr. Adfar Ahmad Shah Vs. State of J&K and others;

AND WHEREAS, the Hon'ble High Court has passed an Order dated 01.02.2019 in SWP No.161/2019 titled Dr. Adfar Ahmad Shah Vs. State of J&K and others, the operative part of which is given as under:-

"in the meantime, subject to objections of the other side and till the next date of listing before the bench, the respondents No. 02 shall relieve the petitioner so as to enable him to join against the post of Senior Resident (Surgery) in SKIMS Srinagar within one week. In case the respondents No. 02 fails to issue relieving order, the respondent No. 03 shall allow the petitioner to join the course. Not with standing the non availability of the relieving order from respondent No. 02, provided the selection process has been concluded and petitioner has been selected".

AND WHEREAS, Director, Health Services, Kashmir has also filed para-wise objections against the above said order of the Hon'ble High Court;

AND WHEREAS, vide communication No. HD-Gaz0Gen/457/2021-02 dated 09.05.2022, a show cause notice was served to the doctor to explain his conduct for his continued unauthorized absence from duty to


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the Administrative Department within 15 days from the date of issuance of the notice.

AND WHEREAS, Dr. Adfar Ahmad Shah, Medical Officer in his reply stated that he got selected for Senior Residency in General Surgery at SKIMS Soura Srinagar and he applied in the department for relieving him, but he was not relieved within the stipulated time, therefore, he sought relief from the Hon'ble High Court of J&K, which issued orders to the department for relieving him within one week. However, after completion of Senior Residency on 28.02.2022 and relieved from the SKIMS, Soura, he reported in the Directorate of Health Services, Kashmir with joining report and showed his willingness to join his duties with sincerity, dedication and punctuality;

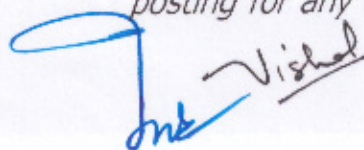
AND WHEREAS, reply submitted by the doctor has been examined in the Department and vide this Department's letter dated 09.05.2022, Director, Health Services, Kashmir was requested for furnishing of latest status of the writ petition filed by Dr. Adfar Ahmad Shah, Medical Officer in SWP No. 161/2019 titled Dr. Adfar Ahmad Shah Vs State of J&K and others;

AND WHEREAS, Director, Health Services, Kashmir vide communication No. Est-3/1-133/10946 dated 14.06.2022 has stated that the writ petition filed by the doctor concerned in SWP No. 161/2019 titled Dr. Adfar Ahmad Shah Vs State of J&K and others, was transferred to Hon'ble Central Administrative Tribunal in terms of Hon'ble High Court Order dated 28.04.2020 and the case has been dismissed by the Hon'ble Central Administrative Tribunal vide Order dated 07.04.2021, due to non appearance of the applicant;

NOW, THEREFORE, sanction is hereby accorded to allow Dr. Adfar Ahmad Shah, Medical Officer to rejoin in the Directorate of Health Services Kashmir with immediate effect, subject to the following conditions:-

a. *That the said doctor was not involved in any subversive activities as well as was not employed in any other Government/Private Sector during the period of absence for which an affidavit duly authenticated by the 1st class Judicial Magistrate be obtained by the Directorate of Health Services, Kashmir.*

b. *The concerned doctor is warned not to leave his place of posting for any occasion whatsoever in future without proper*


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permission from the competent authority, failing which, disciplinary action in terms of Jammu & Kashmir Civil Services Regulations, 1956, Volume-I, shall be initiated against him without giving any further chance or notice.

c. The period of absence of the said doctor shall be decided separately by the Departmental Designated Committee.

By order of the Government of Jammu & Kashmir.

Sd/-

(Manoj Kumar Dwivedi) IAS

Principal Secretary to the Government
Health & Medical Education Department

HD-Gaz0Gen/457/2021-02

Dated: 14.07.2022

Copy to the:-

1. Principal Secretary to the Lieutenant Governor.
2. Joint Secretary, (J&K), Ministry of Home Affairs, Government of India.
3. Director, Archives, Archaeology & Museums, J&K, Jammu.
4. Director, Health Services, Kashmir.
5. OSD with Advisor (B) to the Lieutenant Governor.
6. Private Secretary to the Principal Secretary to the Government, Health & Medical Education Department.
7. Concerned doctor.
8. Government Order file/Stock file/Monday Return.
9. I/C Website H&ME Department.

(Javaid Ahmad Malik)

Under Secretary to the Government
Health & Medical Education Department

Javaid
Vishal