



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

Subject: Implementation of Order dated 22.08.2022 passed by the Hon'ble Central Tribunal Centre, in OA/771/2022 titled Dr Kanwar Jeet Singh Vs Health and Medical Education Department- rejection thereof.

Government Order No. 629 - JK(HME) of 2022

D a t e d : 31 - 08 - 2022

WHEREAS, the Health & Medical Education Department after examining the case of the applicant in pursuance of the judgement dated 01.06.2022 passed by the Hon'ble High Court at Srinagar in WPC No. 1136/2022, CM No. 2809 titled "Kanwar Jeet Singh V/S UT of JK & Ors" rejected his claim vide Government Order No. 568-JK(HME) of 2022 dated 29.07.2022;

WHEREAS, the applicant challenged the aforementioned Government Order before the Hon'ble Central Administrative Tribunal, Srinagar by way of O.A No. 771/2022 & and prayed for following relief:

- i. *Quash the Government Order No. 568-JK(HME) of 2022 dated 29.07.2022 as issued by Principal Secretary to Government, Health and Medical Education Department, whereby the representation filed by the applicant has been rejected.*
- ii. *Declaring that the applicant is also entitled for re-designation as Professor and as such is entitled to the benefit of SRO 266 of 2014 dated 30.08.2014 pursuant to the issuance of Government order No. 89-JK(HME) of 2022 dated 18.02.2022.*
- iii. *Direct the Respondents to allow the applicant to continue as such (Professor), till he attains the age of 62 years which would be or 31.08.2024 with all consequential benefits as was being done in the cases of Dr. Yashpal Sharma, Dr. Nazir Hussain Choudhary and Dr. Waseem Qureshi.";*

WHEREAS, the Hon'ble Central Administrative Tribunal, Srinagar was pleased to issue the following direction on 22/08/2022:

"Learned counsel for the respondents seeks and is granted four week's time to file reply.

List on 30.09.2022. In the meantime, the pendency of this O.A shall not form any impediment qua consideration for issuance of order regarding the service benefits sought in the OA, notwithstanding the retirement, the service conditions of the applicant shall be maintained in the Government Medical College, Srinagar."

WHEREAS, Notification SRO 26 of 2015 dated 19.01.2015 issued by the Health & Medical Education Department provides as under:

"Provided also that a member of the teaching faculty of Government Medical College, Srinagar/Jammu and Government Dental College, Srinagar/Jammu in service on 19.06.2014, or appointed on or after that date, shall retire on his attaining the age of 62 years".

WHEREAS, the Department after examining the case of the applicant, in pursuance of the Order dated 22.08.2022, passed by the Hon'ble Central Administrative Tribunal, Srinagar and also rules in vogue, found that the applicant is borne on the establishment of Health Services, holding the post of Medical Officer on substantive basis and has been deputed in the Medical Education Department on temporary basis, therefore, is not a member of teaching faculty in Government Medical College, Srinagar, decides that the applicant is not entitled to extension of benefit of SRO 26 of 2015 dated 19.01.2015;

Now, therefore, in pursuance of the Order dated 22.08.2022 passed by the Hon'ble Central Tribunal Centre, Srinagar in OA/771/2022 titled "Dr Kanwar Jeet Singh Vs Health and Medical Education Department" the case of the applicant has been considered and found devoid of any merit and hence, rejected.

By order of the Government of Jammu & Kashmir.

Sd/-
(Bhupinder Kumar) IAS
Secretary to the Government

Dated: 31 - 08 - 2022

No. ME-Leg0Gazt/26/2022

Copy to the:-

1. Principal Secretary to the Lieutenant Governor, J&K.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
3. Principal, Government Medical College, Srinagar.
4. Director, Archives, Archeology & Museums J&K.
5. Additional Secretary (Law), Health & Medical Education Department.
6. Sh. Bikram Deep Singh, Deputy Advocate General, Srinagar for information.
7. Concerned.
8. Private Secretary to the Secretary to the Government, Health and Medical Education Department.
9. I/C Website.
10. Government Order file/Stock File.

(Waqar Talib)JKAS
Under Secretary to the Government