



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

Subject: O.A.No. 61/1600/2022 titled Dr. Manmeet Kour Vs UT of J&K - consideration order thereof.

**Government Order No: 904 -JK(HME) of 2022**  
**Dated: 15 -12- 2022**

**WHEREAS**, earlier, vide Government Order No.256-JK(HME) of 2022 dated 30.04.2022, among others Dr. Manmeet Kour, Consultant Gynaecologist, was transferred from SDH Nagrota, Jagti and posted at CHC Basholi (S.No. 6 in the said Government Order);

**AND WHEREAS**, Dr. Manmeet Kour aggrieved of Government Order No 256-JK(HME) of 2022 dated 30-04-2022 by virtue of which she was transferred and posted at CHC Basholi approached the Hon'ble Central Administrative Tribunal, Jammu seeking following relief:

- a. *The Government Order No 256-JK(HME) of 2022 dated 30-04-2022 issued by respondent no 1 to the extent it tends to transfer the applicant from SDH Jagti Nagrota, Jammu to CHC Basholi vice respondent no 4 may kindly be quashed.*
- b. *The respondents may kindly be directed to allow the applicant to continue serving at her present place of posting as Consultant Gynecologist SDH Jagti Nagrota Jammu or to consider her posting in or around Jammu looking to the extreme hardships being faced by the applicant.*

**AND WHEREAS**, the Hon'ble CAT, Jammu Bench vide its orders dated 11.05.2022 in O.A No. 61/448/2022 titled Dr. Manmeet Kour Vs UT of J&K and Ors. directed as under:-

*"5.....On consideration of the above submissions of the counsels for both the parties this O.A is disposed of at admission stage, without expressing any opinion on merits of the case, directing the respondents to consider the pending representation of the applicant dated 02.05.2022 for retaining her at the present place of posting i.e. Sub Divisional Hospital, Jagti Nagrota as per provisions of rules pertaining to transfer and postings of the applicant and decide it with a reasoned order within four weeks from the date of receipt of a certified copy of this order and within one week thereafter to communicate it to the applicant.*

6. Till the respondents decide the representation of the applicant, she should be retained at her place of posting, if she has not yet been relieved by yesterday."

**AND WHEREAS**, after taking in consideration the orders of Hon'ble CAT as well as representation of Dr. Manmeet Kour, Consultant Gynecologist, vide this departments communication No. HD-Lgal/157/2022-02 dated 20.05.2022, approval of the Administrative department was conveyed to Director, Health Services, Jammu for retention of Dr. Manmeet Kour, Consultant Gynaecologist at SDH Jagti for a period of two months (*i.e till examination of her son are over*) and Director, Health Services, Jammu was also requested to consider sanctioning of child care leave in favour of the doctor as per rules;

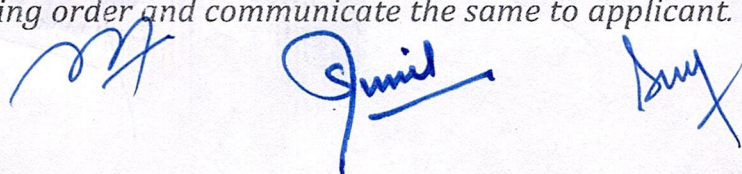
**AND WHEREAS**, after lapse of aforesaid period of two months as had sought by the Doctor, the matter was re-examined in the department and was taken up with the Directorate of Health Services, Jammu who submitted that CHC Basohli where Dr. Manmeet Kour is posted shall be deprived from the services of Gynecologist as there is only one post of Consultant Gynecologist and there is likelihood of hue and cry from the public of the area;

**AND WHEREAS**, the H&ME Department after considering the directions of Hon'ble Central Administrative Tribunal in O.A.No. 61/448/2022 titled Dr. Manmeet Kour Vs UT of J&K. and after examining the matter in consultation with Additional Secretary (Law), H&ME Department and the department while taking a considerate view in the matter, in the interest of patient care, decided to relieve Dr. Manmeet Kour, Consultant Gynaecologist, immediately from SDH Nagrota, Jagti with the directions to report at CHC Basholi;

**AND WHEREAS**, vide Government Order No. 626-JK(HME) of 2022 dated 30.08.2022 the concerned doctor was directed to report at CHC Basholi with immediate effect, failing which disciplinary action shall be initiated against her without any further notice;

**AND WHEREAS**, the applicant namely Dr. Manmeet Kour Consultant Gynaecologist filed another application before the Hon'ble CAT Jammu Bench bearing OA No. 61/1600/2022- titled Dr. Manmeet Kour Vs UT of J&K & Ors. seeking direction to the respondents to release the salary w.e.f May, 2022 till date and continue paying the same to her in future as well. The Hon'ble CAT disposed of the said OA on 24.11.2022 with following directions;

*"I have considered the submissions made by the Ld. Counsels for both the sides and perused the material on record. Without expressing any opinion on the merits of the case, the O.A. is disposed of at admission stage with direction to respondents to release the withheld salary to the applicant and continue paying the same to her, as per rules. In case, there is any impediment in releasing the salary, the respondents shall pass a reasoned and speaking order and communicate the same to applicant. This exercise*



shall be completed within a period of two weeks from the date of receipt of a certified copy of this order."

Now therefore, in compliance to the directions dated 24.11.2022 passed by the Hon'ble CAT Jammu Bench, it is hereby ordered that the legitimately earned salary in respect of Dr. Manmeet Kour, Consultant Gynaecology be released by the concerned DDO forthwith and she shall report at CHC Basholi in-terms of Government Order No.256-JK(HME) of 2022 dated 30.04.2022 read with Government Order No. 626-JK(HME) of 2022 dated 30.08.2022 within 04 days positively failing which disciplinary proceedings shall be initiated against the doctor without any further notice, so that health care facilities are provided properly at CHC Basholi.

By order of the Government of Jammu & Kashmir

Sd/-

**(Bhupinder Kumar) IAS**

Secretary to the Government

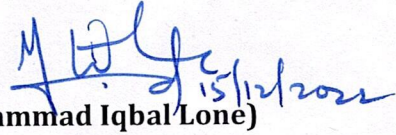
Health & Medical Education Department

**Dated: 15.12.2022**

**No.HD-Lgal/157/2022-02 (CC.NO.186392)**

Copy to the:-

1. Joint Secretary (Jammu, Kashmir & Ladakh), Ministry of Home Affairs, Government of India, New Delhi.
2. Director, Archives, Archaeology & Museums, J&K.
3. Director, Health Services, Jammu.
4. Additional Secretary (Law), H&ME Department
5. Pvt. Secretary to Secretary to the Government, Health & Medical Education Department.
6. Concerned Doctor for compliance.
7. I/c Website, Health and Medical Education Department.
8. Government Order file/Stock file/Monday Return (w.2.s.c).

  
**(Mohammad Iqbal Lone)**

Under Secretary to the Government  
Health and Medical Education Department

