



GOVERNMENT OF JAMMU AND KASHMIR
HEALTH & MEDICAL EDUCATION DEPARTMENT
Civil Secretariat, Jammu/Srinagar.

Subject: Settlement of DNB Course in favour of Dr. Mohammad Younis, Medical Officer (MS Surgery) - reconsideration thereof.

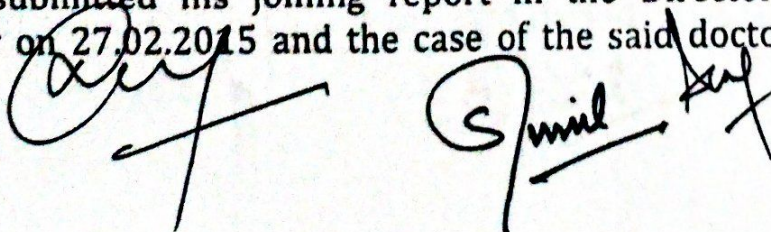
Government Order No. **507** JK(HME) of 2023
Dated: **19** -06-2023

WHEREAS, on the recommendations of J&K Public Service Commission, among others, Dr. Mohammad Younis was appointed as Medical Officer by the Health and Medical Education Department vide Government Order No. 212-HME of 2007 dated 28.03.2007. While being posted at SDH Tral, he submitted an application to the Director, Health Services, Kashmir requesting therein for grant of study leave in his favour as he was selected for DNB Specialty Course in Surgical Gastroenterology through National Board of Examination at SKIMS, Soura;

AND WHEREAS, subsequently, the said doctor submitted another application to the Director, Health Services, Kashmir stating to have joined the superspecialty course in Surgical Gastroenterology at SKIMS Soura and requested for grant of study leave in his favour;

AND WHEREAS, in the meantime, the Director, Health Services, Kashmir informed the department that the doctor in question has filed writ petition bearing SWP No. 373/2012 CMP No. 570/2012 titled Mohammad Younis & Anr. Vs State whereunder the Hon'ble High Court vide its order dated 02.03.2012 directed the respondents to relieve the petitioner(s) enabling him to undergo DNB Course subject to the outcome of writ petition. However, the said doctor had proceeded to pursue the aforesaid course without prior approval of the competent authority;

AND WHEREAS, after completion of three years of DNB Course, the doctor submitted his joining report in the Directorate of Health Services, Kashmir on 27.02.2015 and the case of the said doctor was submitted by the



Director, Health Services, Kashmir to the Administrative Department for taking a decision with regard to the period spent by the doctor in undergoing DNB Course at SKIMS. Accordingly, the doctor was posted at District Hospital, Pulwama subject to pending settlement of the aforesaid period;

AND WHEREAS, the case of Dr. Mohammad Younis, Medical Officer (MS Surgery) was considered and consideration order was issued by the Department vide Government Order No. 812-HME of 2015 dated 18.12.2015 in terms of which the unauthorised period of absence spent by the doctor for pursuing DNB Course at SKIMS Soura w.e.f. 27.02.2012 to 26.02.2015 was treated as 'on deputation';

AND WHEREAS, after settlement of the period of Dr. Mohammad Younis, the department received a number of representations from time to time for settlement of period of their higher study courses as deputation instead of study leave on the same analogy which was adopted by the department in the case of Dr. Mohammad Younis;

AND WHEREAS, Article 22-D(a) of the J&K CSRs, 1956 defines the deputation as:

"The term "deputation" will cover appointments made by transfer of "In-service" Government servants in public interests outside their Parent Organization on a temporary basis. The deputation may be from one Government Department to another of the State Government or from a Government Department (of the State) to any Corporation, Company, Autonomous Body, Public Sector Undertaking wholly owned and controlled either by the State Government or by the Central Government, or any other State Government in the country. It shall include transfers, made in public interests to Municipalities, Local Bodies, Statutory Bodies and all other Non Government Organizations, bodies and institutions within or outside the State."

AND WHEREAS, the issue of settlement of period of unauthorized absence of doctors on the analogy of Dr. Mohammad Younis has been re-examined by the Department and it has been found that the period of absence of Dr. Mohammad Younis treated as 'on deputation' is in contravention of the rules governing deputation and hence reconsidered to set the record straight;

AND WHEREAS, the issue of settlement of unauthorized period of absence spent by Dr. Mohammad Younis on pursuing DNB course at SKIMS has been re-considered by the Department and it has been decided that the said doctor had proceeded to pursue DNB Course un-authorizedly with effect from 27.02.2012 to 26.02.2015 and the said period need to be treated as 'dies-non'

instead of 'on deputation' so that all similarly situated cases shall be decided on the same parity.

NOW, THEREFORE, it is hereby ordered that Government Order No. 812-HME of 2015 dated 18.12.2015 whereunder the unauthorized period of absence of Dr. Mohammad Younis, Medical Officer spent on pursuing a DNB course as 'on deputation' is, hereby, withdrawn ab-initio. However, the period of his unauthorized absence with effect from 27-02-2012 to 26-02-2015 shall & shall always be deemed to have been **treated as a leave whatever kind due expect study leave and the remaining period, if any, as 'dies-non'.**

By Order of the Government of Jammu and Kashmir.

Sd/-

(Bhupinder Kumar) IAS

**Secretary to the Government,
Health and Medical Education Department.**

Dated: 19-06-2023

HD-Gaz0Gen/535/2023-02 (E-7210001)

Copy to the:-

1. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
2. Joint Secretary (Jammu, Kashmir & Ladakh), Ministry of Home Affairs, Government of India, New Delhi.
3. Director, Health Services, Kashmir/Jammu
4. Director, Finance, Health and Medical Education Department.
5. Director, Archives, Archeology & Museums, J&K.
6. OSD with Advisor (B) to Hon'ble Lieutenant Governor, J&K.
7. Concerned Doctor.
8. Private Secretary to the Secretary to the Government, H&ME Department.
9. Government Order file/stock file/ I/C Website, H&ME.

(Shakoor Ahmad Dar) JKAS

**Deputy Secretary to Government,
Health and Medical Education Department.**

19/06/23
Shakoor Ahmad Dar