



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

Subject:- Writ Petition No. 1136/2022, CM No. 2809 titled "Kawar Jeet Singh V/S UT of JK & Ors" – issuance of speaking order thereof.

Government Order No. 568 - JK(HME) of 2022

D a t e d : 29 - 07 - 2022

WHEREAS, through a medium of Writ Petition No. 1136/2022, CM No. 2809 titled "Kawar Jeet Singh V/S UT of JK & Ors approached the Hon'ble High Court with the following prayers:

- Issue writ, direction or order in the nature of mandamus commanding the Respondents to consider the representation filed by the petitioner on 27.01.2022 before the Financial Commissioner, Health & Medical Education Department, for inclusion his name in the list of persons mentioned under Government Medical College and Associated Hospitals who are working as Superintendent and Deputy Superintendent of Hospitals, so that the petitioner also gets the benefit of concurrence given by the Finance Department vide U.O No. A/33(2013-A-771 dated 11.09.2019.*
- Issue writ, direction or order in the nature of mandamus commanding the Respondents that petitioner may be entitled to all the privileges and benefits available under SRO 266 of 2014 dated 30-08-2014 pursuant to the issuance of Government Order No. 89-JK(MHE) of 2022 dated 18.02.2022.*
- Any other direction or order which this Hon'ble court may deem fit and proper in the facts and circumstances of the case may also be passed in favour of the petitioner and against the respondents.*

AND WHEREAS, the Hon'ble High Court of J&K and Ladakh in its judgement dated 01.06.2022 disposed of the writ petition with the following directions:-

"In view of the nature of relief sought for, coupled with the submission made by the learned Senior Counsel, this Petition, at its threshold, is disposed of with a direction to the Respondent No.1 to consider and decide the representation filed by the Petitioner on 27th of January, 2022 before the Financial Commissioner, Health & Medical Education Department, Government of Union Territory of Jammu and Kashmir/ Respondent No.1 herein for inclusion of his name in the list of the persons mentioned under Government Medical College and Associated Hospitals who are working as Superintendent and Deputy Superintendents of Hospitals and pass appropriate orders thereon, most expeditiously and in tune with the mandate of rules governing the field as well as after hearing the Petitioner."

AND WHEREAS, Dr. Kanwar Jeet Singh was appointed as Medical Officer vide Government Order No. 710-HME of 1997 dated 12.08.1997 in the Health & Family Welfare Department. He is borne in the Health Services cadre and is governed by the Health and Family Welfare (Gazetted) Recruitment Rules, 2013.

AND WHEREAS, Dr Kanwar Jeet Singh is presently holding a substantive post of a Medical Officer and as per the seniority issued by the Health and Family Welfare Department vide Government Order No. 849-JK(HME) of 2020 dated 11.11.2020, Dr Kanwar Jeet Singh is figuring at seniority No. 217 in the list of Medical Officers;

Ready
[Handwritten signature]

AND WHEREAS, in light of the National Medical Commission (NMC) and National Board of Examinations (NBE) guidelines, the establishment of the Department of Hospital Administration was created in the Government Medical College, Jammu and Srinagar vide Government Order No. 499-JK(HME)of 2022 dated 14.07.2022. In the memorandum submitted by the Health and Medical Education Department to the Administrative Council for the creation of the Department of Hospital Administration, the approval of the Finance Department was obtained vide U.O No. A/33(2013-A-771 dated 11.09.2019 for redesignation of the Deputy Medical Superintendents/ Medical Superintendents of Medical Education cadre as faculty members of the Department of Hospital Administration;

AND WHEREAS, vide SRO 26 of 2015 dated 19.01.2015 issued by the Finance Department where under the SRO-266 of 2014 dated 30.09.2014 was substituted by the following:

"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".

AND WHEREAS, Dr Kanwar Jeet Singh is borne in the establishment of Health Services and Family Welfare and is substantive holding a post of Medical Officer. The proposal for re-designation of the faculty posts for the Department of Hospital Administration shall be exclusively applicable to the Medical Superintendents/Deputy Medical Superintendents of Medical Education cadre of which the petitioner is not a part. The list of Deputy Medical Superintendents/Medical Superintendents reflected in the Administrative Council memorandum belong the Medical Education cadre who are governed by the Medical Education (Gazetted) Recruitment Rules, 1979;

Now, therefore, in view of the above facts, the representation submitted by Dr Kanwar Jeet Singh, Medical Officer of Health Services cadre has been considered and been found devoid of any merit and hence rejected.

By order of the Government of Jammu & Kashmir.

Sd/-

(Manoj Kumar Dwivedi) IAS
Principal Secretary to the Government
Health and Medical Education Department

No. ME-Gztd/118/2022

Dated: 29 - 07 - 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. Concerned .
7. Private Secretary to the Principal Secretary to the Government, Health and Medical Education Department.
8. I/C Website.
9. Government Order file/Stock File.

(Waqar Talib) JKAS
Under Secretary to the Government