

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

Subject: O.A No. 61/1578/2023 titled Dr. Balkari Lal Choudhary S/o Chuni Lal R/o H. No. 24 A, Lane No. 12, Greater Kailash Jammu Vs Union Territory of J&K & Ors -**rejection of claim thereof.**

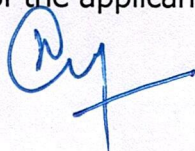

Government Order No.1036-JK(HME) of 2023
Dated: 13.12.2023

WHEREAS, vide Government Order No. 966-JK(HME) of 2023 dated 29.11.2023, Health and Medical Education Department assigned the look-after charge of administrative posts to various doctors among which, Dr. Balkari Lal Choudhary, In-charge Medical Superintendent, AH GMC, Udhampur was assigned the charge of the post of DIO Ramban;

AND WHEREAS, the aforesaid arrangement was made in the interest of administration and patient-care and purely on temporary basis to the extent that it shall not confer any right upon the Officers for any preferential treatment at the time of regularization/promotion, which shall be made strictly in accordance with the rules;

AND WHEREAS, aggrieved by the aforesaid arrangement, the petitioner namely Dr. Balkari Lal Choudhary approached the Hon'ble Central Administrative Tribunal Bench, Jammu in O.A No. 61/1578/2023 titled Dr. Balkari Lal Choudhary S/o Chuni Lal R/o H. No. 24 A, Lane No. 12, Greater Kailash Jammu Vs Union Territory of J&K & Ors and sought the following relief:

- a. Allow the instant application of the applicant along with costs.
- b. Quashing the Order bearing No. 966-JK (HME) of 2023 dated 29-11-2023 qua the applicant to the extent transferring/assigning the charge to the applicant from I/C Medical Superintendent AH GMC Udhampur to look-after the charge of DIO Ramban with further prayer to transfer the applicant to the post which may be nearest to the place of residence of the applicant.
- c. Any other relief which the Hon'ble Tribunal deems fit may be passed in favour of the applicant and against the respondents.



AND WHEREAS, the Hon'ble Central Administrative Tribunal, Jammu Bench disposed of the O.A No. 61/1578/2023 titled Dr. Balkari Lal Choudhary S/o Chuni Lal R/o H. No. 24 A, Lane No. 12, Greater Kailash Jammu Vs Union Territory of J&K & Ors on 04.12.2023 with the following direction:

"Accordingly, the original Application is disposed of with a direction to respondents to treat this O.A as representation of the applicant and decide the same by passing a reasoned and speaking order keeping in view the medical grounds raised by the applicant as well as his contention that his transfer has been effected within a period of six months.

Respondents are further directed to communicate the order so passed to the applicant. Before passing any order, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of two weeks from the date of receipt of a certified copy of this order.

Until a decision is taken on the representation of the applicant, status quo as on today qua the applicant shall be maintained.

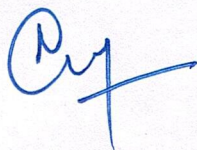
With these directions, OA No 1578/2023 is disposed of.

It is made clear that, I have not entered into merits of the case.

No orders so as to costs."

AND WHEREAS, while considering the case of the petitioner in light of order passed by the Hon'ble Central Administrative Tribunal on 4th December, 2023, it reveals that the grounds put-forth by the petitioner for quashing the Government Order No. 966-JK(HME) of 2023 dated 29-11-2023 whereunder, he has been assigned the look-after charge of DIO Ramban are devoid of merits, as the look-after charge of the said post has been assigned to the petitioner, among others doctors, purely in the interest of administration and patient care. Moreover, in the interest of administration and optimal patient care, the Government reserves the prerogative to post employees within the Health and Medical Education Department of Jammu and Kashmir to various locations as needed. This flexibility ensures that the workforce can be strategically positioned to address emerging healthcare demands and challenges. Such re-assignments aim to enhance the overall effectiveness of healthcare services, facilitating a responsive and adaptable approach to the evolving needs of the community. This dynamic strategy underscores the government's commitment to providing quality healthcare services across the Union Territory.

AND WHEREAS, an opportunity of hearing was provided to the concerned doctor and the doctor presented his case before the Administrative



Secretary on 12-12-2023 in line with the aforementioned prayers and the same was not found satisfactory;

NOW, THEREFORE, the case of the doctor was considered, in light of the Hon'ble CAT directions dated 04.12.2023 passed in O.A No. 61/1578/2023 titled Dr. Balkari Lal Choudhary S/o Chuni Lal R/o H. No. 24 A, Lane No. 12, Greater Kailash Jammu Vs Union Territory of J&K & Ors and found devoid of any merit and, hence, rejected.

By Order of the Government of Jammu and Kashmir.

Sd/-

(Bhupinder Kumar) IAS

Secretary to the Government,
Health and Medical Education Department

No. HD-Lgal/419/2023-02(7360816)

Dated: 13.12.2023

Copy to the:

1. Principal Secretary to the Lieutenant Governor, J&K.
2. Joint Secretary (Jammu, Kashmir & Ladakh), Ministry of Home Affairs, Government of India.
3. Director, Archives, Archaeology & Museums, J&K.
4. Additional Secretary (Law), Health and Medical Education Department for further necessary action.
5. OSD with Advisor (B) to the Lt. Governor.
6. Director, Health Services, Jammu.
7. Private Secretary to the Secretary to the Government, H&ME Department.
8. Government Order file/stock file/In-charge website.

(Waqar Talib) JKAS

Under Secretary to the Government
Health & Medical Education Department