



Government of Jammu and Kashmir  
**Health & Medical Education Department**  
Civil Secretariat, Jammu/Srinagar.  
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Subject: O.A. No 61/1519/2023 titled Balvinder Singh Vs UT of J&K & Ors.  
- **rejection of claim thereof.**

**Government Order No. 23 -JK(HME) of 2024**  
**Dated: 16 -01- 2024**

**WHEREAS,** Dr. Balvinder Singh was appointed as Consultant Orthopaedics in Health & Medical Education Department vide Government Order No. 776-HME of 2015 dated 10.12.2015. As per the service records of the doctor, he served at the following places since his appointment:

S.No.	Place of posting	From	To
1.	E.H. Batote	09.06.2016	27.07.2017
2.	Attached at DH Udampur (now GMC Udampur)	28.07.2017	Till date Note: Attached for more than Six years.

**AND WHEREAS,** the Administrative Department instructed all the Head of the Departments of subordinate offices to undertake the rationalization process of doctors/paramedics, among which Dr. Balvinder Singh, Consultant Orthopaedics, who was attached at GMC Udampur since last 06 years, was relieved vide order dated 01.11.2023, with the directions to report at his actual place of posting viz. EH Batote for further duties;

**AND WHEREAS,** Dr. Balvinder Singh, Consultant Orthopaedics joined at CHC Batote and worked there upto 28.11.2023 and thereafter approached Hon'ble CAT with the following prayer:

i) Allow the instant application of the applicant along with interim relief.

ii) Set aside the Order bearing no. AH/GMCU/1538-42 dated 1/11/2023 in a very haste manner and relieved the applicant without adopting due course of law or adhering to the order passed by the higher officials and the order passed by the office of respondent no. 04 is in contravention to the order of deployment passed by the office of respondent no. 03, Minutes of a meeting headed by the office of respondent no. 02 and the agreement and the arrangement made by the office of the respondent no. 05 with the National Board



of Examination in Medical Sciences, Ministry of Health and Family Welfare, Govt. of India and other prevailing circumstances.

iii) Direct the respondents to review the relieving Order bearing no. AH/GMCU/1538-42 dated 01/11/2023 in a very haste manner and relieved the applicant without adopting due course of law or adhering to the order passed by the higher officials and the order passed by the office of respondent no. 04 is in contravention to the order of deployment passed by the office of respondent no. 03, Minutes of a meeting headed by the office of respondent no. 02 and the agreement and arrangement made by the office of the respondent no. 05 with the National Board of Examination in Medical Sciences, Ministry of Health and Family welfare, Govt. of India;

iv) Any other relief which this Hon'ble Tribunal may-deem fit and proper in the facts and circumstances of the case may also be granted in favour of the applicant and against the respondents.

**AND WHEREAS,** the Hon'ble CAT vide order dated 23.11.2023 in O.A. No.61/1519/2023 has passed the following directions:-

*".....the Original Application is disposed of with a direction to respondent to treat this O.A representation of the applicant and decide the same by passing a reasoned and speaking order.*

*Respondent are further directed to communicate the order so passed to the applicant. Before passing order, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be under taken with a period of one week from the date of receipt of a certified copy of this order.*

***Until a final decision is taken on representation of the applicant the impugned transfer order bearing no. AH/GMCU/1338-48 dated 01/11/2023 is stayed status quo as on today qua the applicant by maintained.***

*With these direction O.A no. 1519 of 2023 is disposed of."*

**AND WHEREAS,** after subsequent perusal of the records of the office of Block Medical Officer, Batote, it has been ascertained that Dr. Balvinder Singh, Consultant Orthopaedics, officially commenced his duties by reporting at BMO Batote on 14<sup>th</sup> of November, 2023.

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**AND WHEREAS**, on 29th of November, 2023, Dr. Balvinder Singh applied for casual leave and since then, he has failed to report his duties;

**AND WHEREAS**, notwithstanding the aforementioned circumstances, Dr. Balvinder was allowed to rejoin at GMC Udhampur by the Medical Superintendent concerned citing directives issued by the Hon'ble Court.

**AND WHEREAS**, in accordance with the directives of the Hon'ble Central Administrative Tribunal, an opportunity was extended to Dr. Balvinder Singh, Consultant Orthopedics to appear in person before Mr. Ata ul Munim Tak , Deputy Secretary to the Government, H&ME Department on 27<sup>th</sup> December, 2023 at 2:00PM to present his case;

**AND WHEREAS**, Dr. Balvinder Singh appeared before the authority on 27.12.2023 and presented his case for retention at GMC Udhampur as he being actively involved in surgeries at GMC Udhampur and is currently a DNB Guide for a student at GMC Udhampur;

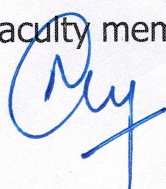
**AND WHEREAS**, Hon'ble CAT on 23.11.2023 passed the directions in O.A. No.61/1519/2023, which inter-alia also directed:-

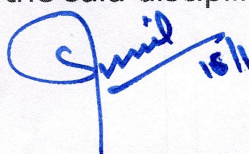
***".....Until a final decision is taken on representation of the applicant the impugned transfer order bearing no. AH/GMCU/1338-48 dated 01/11/2023 is stayed status quo as on today qua the applicant by maintained."***

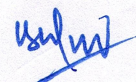
***5. with these directions, OA.No. 1519 of 2023 is disposed of...."***

**AND WHEREAS**, the aforesaid directions stands passed by Hon'ble CAT on 23.11.2023, while as, the petitioner namely Dr. Balvinder Singh, Consultant Orthopedics joined before the BMO Batote on 14.11.2023 and was performing his duties at CHC Batote upto 29.11.2023. Therefore, the status of the petitioner as of 23.11.2023 (i.e the date of the judgment) remains that he was stationed at CHC Batote;

**AND WHEREAS**, consequently, the petitioner has neglected to adhere to these directives, thereby contravening the orders of the Hon'ble CAT itself. Additionally, concerning the unavailability of a DNB guide at GMC Udhampur, it is attested that faculty members, comprising of Professors and Assistant Professors have been appointed at GMC Udhampur and the concerned Principal shall be directed to assign the charge of DNB Guide for the sole student to any available faculty member of the said discipline;









**AND WHEREAS,** the specialized services of Consultant Orthopedics are direly required at CHC Batote, owing to the fact that the said health facility is located on the National Highway, where prompt medical interventions are required in the event of unforeseen circumstances;

Now, therefore, in pursuance of the order dated 23.11.2023 passed in O.A. No.61/1519/2023 titled Balvinder Singh Vs UT of J&K & Ors as well as detailed position explicated hereinabove, the case of Dr. Balvinder Singh, Consultant Orthopedics (petitioner) has been considered and found devoid of any merit in view of the patient care and, hence, rejected. Meanwhile, Dr. Balvinder Singh, is directed to report at his original place of posting i.e. CHC Batote with immediate effect.

By order of the Government of Jammu and Kashmir.

**Sd/-**  
**(Dr. Syed Abid Rasheed Shah) IAS**  
**Secretary to the Government**  
**Health & Medical Education Department**

No. ME-leg/253/2023-01 (CCNo. 7352798)

Dated: 16 .01.2024

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Director, Archives, Archaeology & Museums, J&K.
3. Director, Health Services, Jammu
4. Principal, GMC Udhampur. **He is instructed to assign the charge of DNB Guide to any suitable faculty member.**
5. Special Secretary (Law), Health & Medical Education Department.
6. I/C Medical Superintendent, GMC Udhampur for information and necessary action.
7. Pvt. Secretary to Secretary to the Government, Health & Medical Education Department.
8. Concerned Doctor.
9. I/c Website, Health and Medical Education Department.
10. Government Order file/Stock file/Monday Return (w.2.s.c).

**(Mohan Singh)**

Under Secretary to the Government  
Health and Medical Education Department

*(Signature)*  
15/1/2024