



GOVERNMENT OF JAMMU AND KASHMIR  
**HEALTH & MEDICAL EDUCATION DEPARTMENT**  
HUMAN RESOURCE MANAGEMENT BRANCH  
Civil Secretariat, J&K.

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**Subject:** Settlement of period of unauthorized absence in favour of Dr. Humera Hayat, Medical Officer.

**Government Order No. 36- JK (HME) of 2024**

**Dated: 18.01.2024**

**WHEREAS**, Director Health Services, Kashmir vide Communication No. Est/3/1-133/72/2010/11246 dated 01.07.2022 intimated that Dr. Humera Hayat was appointed as Medical Officer vide Government Order No. 335-HME of 2010 dated 17.06.2010 and submitted her joining report in Directorate of Health Services, Kashmir on 23.06.2010;

**AND WHEREAS**, at the time of appointment, the doctor concerned was undergoing Senior Residency in the Department of SPM at SKIMS Soura, therefore, she left without obtaining NOC/Permission from the Administrative Department and continued the same on the interim order dated 26.07.2010 passed by the Hon'ble High Court in SWP No. 1281/2010 titled Dr. Masarat Sultana & Ors Vs State of J&K & Ors, the operative part of which is reproduced as under:-

***"Meanwhile, subject to objections of the other side the order impugned in the present petition shall remain in abeyance in so far as it relates to the rights of the petitioners and the petitioners shall be allowed to pursue and complete the post graduation degree course/ senior Residency/ Registrarship in their respective Institutions/ College. Their rights to give the same is protected".***

**AND WHEREAS**, objections/reply against the above said order, were filed before the Hon'ble High Court. Later on, the Hon'ble High Court passed an another Order dated 02.01.2015 in SWP No. 1281/2010 titled Dr. Masarat Sultana & Ors Vs State of J&K & Ors, the operative part of which is reproduced as under:-

***"Learned counsel for the petitioners state that he would be satisfied in case main petition is disposed of with a direction to the respondents to consider the claim of the petitioners in light of the instructions letter dated 03.03.2014 his statement is taken on record.***

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***At the request of learned counsel for the petitioners main petition SWP No. 1281/2010 is disposed of with a direction to the respondents to consider the claim of the petitioners in light of the instruction letter dated 03.03.2014, provided there is no legal impediment, within a period of four weeks from the date copy of the order is served upon the respondents.***

***Disposed of along – with connected CMP's"***

**AND WHEREAS**, after completion of Senior Residency, the doctor concerned joined back in the Directorate of Health Services, Kashmir on 06.06.2013 and, subsequently, Director, Health Services, Kashmir vide order dated 11.11.2013, directed the doctor concerned to report at PHC Panzan Budgam on her own risk and responsibilities pending final outcome of writ petitions/pending disposal in Hon'ble High Court;

**AND WHEREAS**, Director, Health Services, Kashmir vide communication No. Est/3/1-133/72/2010/11246 dated 01.07.2022 has forwarded her case regarding settlement of period of unauthorized absence w.e.f. 23.06.2010 to 05.06.2013 to the Administrative Department for issuance of appropriate necessary instructions;

**AND WHEREAS**, the case was examined in the Department and was placed before the Departmental Designated Committee under the Chairmanship of Director Finance, H&ME. The Committee in its meeting held on 02.02.2023 deliberated upon the case and recommended as under:

***"i) treat the period of undergoing higher studies w.e.f. 23.06.2010 to 05.06.2013 in favour of Dr. Humera Hayat, Medical Officer as Dies-Non subject to the condition that the said doctor was not involved in any subversive activities as well as she was not employed in any Government/Private sector and no departmental enquiry is pending against her, for which an affidavit authenticated by 1st Class Judicial Magistrate shall be obtained by the Directorate of Health Services, Kashmir from the concerned doctor.***

***Besides, the concerned doctor shall be warned not to leave her place of posting for any occasion in future un-authorizedly, for which disciplinary action shall be initiated against her without any further notice".***

**NOW, THEREFORE**, on the recommendation of the Departmental Designated Committee, sanction is hereby accorded to treat the period of undergoing higher studies **w.e.f. 23.06.2010 to 05.06.2013** in favour of Dr. Humera Hayat, Medical Officer as '**Dies-Non**', subject to the condition that the said doctor was not involved in any subversive activities as well as she was

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not employed in any Government/Private sector and no departmental enquiry is pending against her, for which an affidavit authenticated by 1st Class Judicial Magistrate shall be obtained by the Directorate of Health Services, Kashmir from the concerned doctor.

Besides, the concerned doctor is warned not to leave her place of posting for any occasion in future un-authorizedly, for which disciplinary action shall be initiated against her without any further notice.

**By order of the Government of Jammu and Kashmir.**

*Sd/-*

**(Dr. Syed Abid Rasheed Shah) IAS**  
Secretary to the Government

No. HD-Gaz0Gen/212/2022-02(C.No. 186749)

Dated: 18.01.2024

**Copy to the:-**

1. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
2. Joint Secretary (JK&L), Ministry of Home Affairs, Government of India.
3. Director, Archives, Archaeology & Museums, J&K, Jammu.
4. Director, Health Services, Kashmir.
5. OSD to the Advisor (B) to Hon'ble Lieutenant Governor, J&K.
6. PS to the Secretary to the Government, Health & Medical Education Department.
7. Concerned doctor.
8. I/C Website H&ME.
9. Government Order file/Stock file/Monday Return file.

**(Waqar Talib) JKAS**

Under Secretary to the Government

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