



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

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Subject: TA No 1009/2021 titled Ghulam Mohi-ud-din Malik Vs State of J&K & Ors.

**Government Order No: 438 -JK(HME) of 2023**

**D a t e d:-24.05.2023**

**WHEREAS**, Mr. Ghulam Mohi-ud-din Malik (petitioner in the instant petition) was appointed as the Pharmacist by the CMO Budgam against the available post of Medical Assistant (now called Junior Pharmacist) on adhoc basis for a period of 89 days on **05.02.1989**, in the relevant pay scale attached to the post on the recommendations of the then Director, Health Services, Kashmir;

**AND WHEREAS**, the Director, Health Services, Kashmir submitted the case of petitioner to Administrative Department (Health & Medical Education Department) vide their communication dated **27.01.2014**, with the request to consider the case of petitioner for regularization of his adhoc services, under the provisions of Government Order No. 1220-GAD of 1989 dated 11.09.1989;

**AND WHEREAS**, in terms of Government Order No. No. 1220-GAD of 189 dated 11.09.1989, a policy was formulated to regularize the adhoc/contractual/consolidated employees of different departments. The relevant extract of Government Order No. 1220-GAD of 1989 dated 11.09.1989 is reproduced under:

*"All adhoc appointees to non-gazetted posts recruited from time to time upto **29.12.1988** who are still in service be treated to have been appointed on regular basis on probation or trial, as the case may be, with effect from the date of issue of this order.*

*Provided also that the orders of regularization shall be issued only with the approval of the Administrative Department concerned and a copy of every such regularization order shall be endorsed to the General Administration Department for information.*

**AND WHEREAS**, as per Government Order No. 1220-GAD of 1889 dated 11.09.1989, the adhoc employees who were appointed prior to **29.12.1988** were supposed to consider for regularization subject to

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fulfillment of certain conditions. However, this cut of date was extended upto **06.11.2001** by virtue of Government Order No. 1285-GAD of 2001 dated 06.11.2001, subject to certain further conditions;

**AND WHEREAS**, the concerned HoD was supposed to submit the case to Administrative Department at the relevant point of time, which was not done in the instant case;

**AND WHEREAS**, the Directorate of Health Services, Kashmir recommend the case of applicant for regularization in terms of Government Order No. 1220-GAD of 1989 dated 11.09.1989, in the year 2014 when the said policy was already expired;

**AND WHEREAS**, Government from time to time have formulated different policies to regularize the adhoc/contractual/consolidated employees of different department and subsequently different empowered committees were also made. Firstly, it was the policy notified vide G.O. No. 1220-GAD of 1989 dated 11.09.1989 read with G.O. No. 1285-GAD of 2001 dated 06.11.2001. The said policy was superseded by another policy notified vide G.O. No. 168-GAD of 2004 dated 09.02.2004 read with G.O No. 237-GAD of 2004 dated 20.02.2004, G.O. No. 794-GAD of 2004 dated 22.06.2004. The policy was once again superseded by the Jammu and Kashmir Civil Services (Special Provision) Act 2010, however the same was also repealed by the Government;

**AND WHEREAS**, the Government don't have any policy at present regarding the regularization of adhoc employees;

**AND WHEREAS**, the official (petitioner) has approached the Hon'ble CAT for regularization of his services. The Hon'ble CAT vide order dated 31.01.2022 passed in T.A.No. 1009/2021- titled Gulam Mohi-di-din Malik vs State of J&K and Others has directed as under:

"We, therefore, do feel it appropriate to direct the respondents, more particularly, respondent No.1, i.e., Commissioner Secretary to the Government, Health Department, J&K, to take the matter seriously and finalize the issue in accordance with law within a period of one month from the date of receipt of a copy of this order, In the interest of justice, we do feel, hope and expect that the department will consider the case of the applicant and decide the same in accordance with law, so as not only to relieve him from anxiety but also his family."

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**AND WHEREAS**, the Department after examining the case of the applicant in pursuance of the aforesaid order of the Hon'ble Tribunal found that the official was initially appointed by Chief Medical Officer Budgam on 05.02.1989 and the Chief Medical Officer was never competent to make appointments for Gazetted/non-Gazetted posts;

**Now therefore**, in view of above elaborated facts and directions of Hon'ble Tribunal, the case of the petitioner has been considered and examined in the Department and is found devoid of merits, hence rejected.

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

**Sd/-**

**(Bhupinder Kumar)IAS,**  
Secretary to the Government,  
Health & Medical Education Department

**No. HD-Igal/55/2022-02**

**Dated:-24.05.2023**

**Copy to the:-**

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
2. Director, Health Services, Kashmir.
3. Director Archives, Archaeology and Museums, J&K, Srinagar.
4. Chief Medical Officer Budgam.
5. OSD with the Advisor (K).
6. Private Secretary to Secretary to the Government, Health & Medical Education Department.
7. Government Order file/Stock file (w.2 s.c)

**(Pamposh Ganju)**

Under Secretary to Government  
Health & Medical Education Department

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