



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

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Subject: MA No. 909/2022 in TA No 1561/2021 titled Dr. Rameesa Batul Vs State of J&K & Ors - **rejection of claim thereof.**

Government Order No. **471** -JK(HME) of 2023  
Dated: 06.06.2023

**WHEREAS**, Dr. Rameesa Batul was appointed as Medical Officer vide Government Order No. 333-HME of 2018 dated 29.05.2018 and was posted at NTPHC Wagoora Baramulla vide Government Order No: 453-HME of 2018 dated: 08.08.2018;

**AND WHEREAS**, in violation to the terms and conditions of her appointment order, the doctor underwent Senior Residency in the department of Anesthesia at SKIMS Soura on the strength of the order dated 10.04.2019 passed by Hon'ble High Court in SWP No: 808/2019, titled Dr. Rameesa Batul V/s State of J&K and others, which is reproduced as under:-

*".....In the meantime, subject to objections and till next date of hearing before the Bench respondent No. 2 shall relieve petitioner so as to enable her to join against the post of Senior Resident in the Speciality of Anaesthesiology within one week. In case respondent No. 2 fails to issue relieving order, then respondent no. 3 shall allow petitioner to join the post, notwithstanding the relieving provided the selection process has not been concluded.  
List on 15th may, 2019."*

**AND WHEREAS**, after completion of Senior Residency course, Dr. Rameesa Batul was relieved by SKIMS Soura vide their Order No: SIMS/Acad/565 of 2022, dated: 16.09.2022 and submitted her rejoining in the Directorate of Health Services, Kashmir;

**AND WHEREAS**, Dr. Rameesa Batul simultaneously approached Hon'ble CAT, Srinagar seeking directions for allowing her to join the Department as Medical Officer and the period of Registrarship/Senior Residency undergone by the applicant/petitioner be regularized on the analogy of Government Order No 121-JK(HME) of 2021 dated 17-02-2021;

**AND WHEREAS**, the Hon'ble CAT, Srinagar vide order dated 14-09-2022 disposed of the above M.A No. 909/2022 in T.A No. 1561/2021-titled Dr. Rameesa Batul Vs State of J&K & Ors with following directions:

*"2. The respondents are directed to consider the claim of the applicant in view of the order passed by the Hon'ble High Court of J&K on 01-02-2019 vide which*

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circular issued by the respondents on 17-02-2021, if the applicant is at similar place and the similar relief is prayed in the TA.

3. This exercise shall be undertaken within six weeks from today."

**AND WHEREAS**, it is pertinent to mention here that vide Government Order No 121-JK(HME) of 2021 dated 17-02-2021, an another petitioner namely Dr. Anam Khursheed, Medical Officer was deemed to have been relieved from the Directorate of Health Services, Jammu to the Government Medical College, Jammu from the date she joined as Demonstrator in the Department of Pathology in pursuance of the communication No. GMCJ/ES-I/PF/1754 dated 05.02.2019 of the then Principal, Government Medical College, Jammu;

**AND WHEREAS**, terms and conditions stipulated in the initial appointment order of Dr. Rameesa, clearly envisages that:-

**".....Further, the selectees/appointees who are presently doing PG Courses/Registrarship/ Demonstratorship in the GMC Jammu/Srinagar, SKIMS Soura, Srinagar/Bemina shall exercise an option as per proforma annexed to this Government Order:-**

**i) either to join the Government Service without completing their PG Courses/tenures of Registrarship/Demonstratorship; and in that case, they would not be allowed, under any circumstances, to proceed on leave to complete their remaining PG courses/tenures as Registrars/Demonstrators and if they do so by absenting themselves from the place of posting, their service shall be terminated under the provisions of the J&K Civil Services Regulations (CSR) Volume-I and the J&K Civil Services Classification, Control & Appeal (CCA) Rules, 1956 as no such leave would accrue them at the time of joining the service;**

OR

**ii) they may seek extension in the joining period from the Administrative Department for the completion of their PG Courses/minimum tenures as Registrars/Demonstrators.**

**AND WHEREAS**, the posts of Medical Officers are created for the New Type Primary Health Service Centres (NTPHCs) vide Government Order No. 585-HME of 2014 dated 17.10.2014 specially with the purpose to strengthen the Health Care facilities at peripheries;

**AND WHEREAS**, despite knowing the terms and conditions of her appointment and owing to the fact that Dr. Rameesa Batul has not completed the mandatory period of probation at her place of posting viz NTPHC Wagoora Baramulla, she deliberately underwent for Sr. Residency Course at SKIMS

Soura on the strength of Hon'ble Court Orders ignoring the terms and conditions of service governing her appointment;

**AND WHEREAS**, Dr. Rameesa in the first instance joined the department even reported at her place of posting to keep her service intact and thereafter resorted to tenure posting on court directions without taking into consideration the terms of conditions of her appointment and the employee conduct which every government servant has to adhere to;

**AND WHEREAS**, case of Dr. Rameesa Batul was examined in pursuance to order dated 14-09-2022 passed in M.A No. 909/2022 in T.A No. 1561/2021-titled Dr. Rameesa Batul Vs State of J&K & Ors as well as rules in vogue and it has been observed that the said doctor has violated the terms and conditions stipulated in her initial appointment order, which led to hampering of health care facilities at NTPHC Wagoora, Baramulla.

**Now, therefore**, in pursuance of the order dated 14-09-2022 passed in M.A No. 909/2022 in T.A No. 1561/2021-titled Dr. Rameesa Batul Vs State of J&K & Ors as well as rules in vogue, the case of the applicant has been considered 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/396/2022-02-(CCNo.7036340)

Dated: 06.06.2023

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/Kashmir.
4. Director, Finance, H&ME Department.
5. Additional Secretary to the Government, (HRM), H&ME Department.
6. Additional Secretary (Law), Health & Medical Education Department.
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).

(Shakoor Ahmad) JKAS

Deputy Secretary to the Government  
Health & Medical Education Department