

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

Subject: Implementation of Judgment dated 26.06.2018 passed by the Hon'ble High Court at Srinagar in SWP No. 502/2016 titled Dr. Syed Javed Farooq Qadri V/s State of J&K & others.

Government Order No. 551-JK(HME) of 2023

Dated: 07-07-2023

WHEREAS, the petitioner namely Dr. Syed Javed Farooq Qadri was appointed as Consultant Surgeon (B-Grade) vide Government Order No. 290-HME of 2011 dated 07-06-2011 and was posted at SDH Pattan vide Govt Order No. 333-HME of 2011 dated 06.07.2011. While being posted at SDH Pattan, the petitioner went on unauthorized absence to pursue DNB (Super specialty Course) outside the State;

AND WHEREAS, the petitioner joined the aforesaid course without seeking permission or Study leave from the Health & Medical Education Department;

AND WHEREAS, after completing the DNB (Super Specialty Course), the petitioner approached the Department for rejoining which was allowed vide communication No. HME/HRM/56/2015 dated 15.10.2015 with the stipulation that *the period of unauthorized absence for undergoing DNB course shall be decided separately;*

AND WHEREAS, the petitioner approached the Hon'ble High Court at Srinagar by way of SWP No. 502/2016 seeking the direction to the respondents to treat the period for undergoing DNB Course as deputation as has been done in similar case of Dr. Mohammad Younis. The Hon'ble High Court disposed of the aforesaid writ petition on 26.06.2018 with the following direction:

"Taking the forgoing discussion, observations and reasons together, the writ petition is allowed. The respondents are directed to treat the period undergone in training as on deputation as has been done in case of Dr. Mohammad Younis vide Government Order No. 812-HME of 2015 dated 18th December, 2015 and give the petitioner all the service benefits for the said period, to which he is entitled to."

AND WHEREAS, the petitioner filed contempt petition bearing CCP(S) No. 445/2019-titled Syed Javed Farooq Qadri Vs Atal Dulloo & Anr before the Hon'ble High Court at Srinagar for initiating contempt proceedings against the respondents for non-compliance of the aforesaid judgment of the Hon'ble Court;

AND WHEREAS, the Hon'ble Court vide Judgment dated 26.06.2018 passed in SWP No. 502/2016 has directed the respondents to treat the period undergone in training 'as on deputation' as has been done in case of Dr. Mohammad Younis vide Government Order No. 812-HME of 2015 dated 18.12.2015;

AND WHEREAS, the Department reviewed the Government Order No. 812-HME of 2015 dated 18.12.2015, whereunder the period of pursuing DNB course in Surgical Gastroenterology spent by Dr. Mohammad Younis, Medical Officer, in SKIMS Soura was treated as 'deputation' and found it in contravention of the rules governing the deputation;

AND WHEREAS, in terms of Article 22-D of the J&K Civil Service Regulations, 1956, the term of "**deputation**" has been defined as under:-

"(a) The term "deputations" will cover appointments made by transfer of 'in-service' Government servants in public interests outside their parent organization on a temporary basis. The deputation may be from one Government Department to another of the State Government or from a Government Department (of the State) to any Corporation, Company, Autonomous Body, Public Sector Undertaking wholly owned and controlled either by the State Government or by the Central Government, or any other State Government in the Country. It shall include transfers made in public interests to Municipalities, Local Bodies, Statutory Bodies and all other Non-Government Organizations, bodies and institutions within or outside the State...."

AND WHEREAS, the Government Order No. 812-HME of 2015 dated 18.12.2015 in respect of Dr Mohammad Younis has been withdrawn *ab-initio* vide Government Order No. 507-JK(HME) of 2023 dated 19.06.2023 read with corrigendum No. HD-Gaz0Gen/535/2023-02 dated 23.06.2023 and, accordingly, the period of unauthorized absence of Dr. Mohammad Younis with effect from 27-02-2012 to 26-02-2015 has been treated as '**dies-non**'.

NOW, THEREFORE, it is ordered that the unauthorized period of absence spent by Dr. Syed Javed Farooq Qadri **w.e.f. 27.02.2012 to 15.10.2015 for undergoing DNB Super Specialty course in Urology outside the State** is, hereby, treated as "**Dies Non**" as has been done in the case of Dr. Mohammad Younis, Medical Officer vide Government Order No. 507-JK(HME) of 2023 dated 19.06.2023 read with corrigendum No. HD-Gaz0Gen/535/2023-02 dated 23.06.2023.

By order of the Government of Jammu and Kashmir.

Sd/-

(Bhupinder Kumar) IAS


Secretary to the Government,
Health and Medical Education Department.

HD-Lgal/102/2023-02 (E-7172923)

Dated: **07**-07-2023

Copy to the:-

1. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
2. Joint Secretary (Jammu, Kashmir & Ladakh), Ministry of Home Affairs, Government of India, New Delhi.
3. Director, Archives, Archeology & Museums, J&K
4. Director, Finance, Health and Medical Education Department.
5. Director, Health Services, Kashmir
6. OSD with Advisor (B) to Hon'ble Lieutenant Governor, J&K.
7. Concerned doctor.
8. Private Secretary to the Secretary to the Government, H&ME Department.
9. Government Order file/stock file/ I/C Website, H&ME.


(Shakoor Ahmad Dar) JKAS
Deputy Secretary to Government
Health and Medical Education Department.

