



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

**Subject:** Clarification regarding entitlement of leave salary during a study leave.

- Ref. i. Government Order No. 597-HME of 2017 dated 25.10.2017 issued by H&ME Department.  
ii. No. Est/3/1-133/95 dated 09.01.2023 from Directorate of Health Services, Kashmir

**Government Order No. 580 -JK(HME) of 2023**  
**Dated: 24 .07. 2023**

**WHEREAS**, Health & Medical Education Department (H&ME) vide Circular No. 05-JK(HME) of 2021 dated 21.12.2021 had sought applications from desirous/intending eligible doctors of J&K Health and Family Welfare (Gazetted) Services for seeking NOC for applying/ appearing/ counseling before NBE/NEET for higher studies and tenure postings/trainings for the calendar year-2022;

**AND WHEREAS**, consequent upon above, all the doctors desirous for pursuing higher studies/tenure postings applied for the said NOC through proper channel. Accordingly, on the basis of recommendations of the designated Departmental Committee, the H&ME Department vide communication No. HD-Gaz0Gen/479/2021-02 dated 19.02.2022 conveyed necessary administrative approval for grant of NOC/permission for applying/ appearing/counseling before NBE/NEET or any authorized forum/entity subject to various conditions, including the following:

*"In the event of selection for chosen higher study course(s) viz Super-Specialization, PG/PG Diploma, the concerned doctor shall immediately apply for study leave or otherwise through concerned Directorate of Health Services Jammu/Kashmir strictly as per prescribed format issued by Health and Medical Education Department vide Circular No. 119-HME of 2018 dated 10-09-2018 alongwith specific recommendations of concerned DHSJ/K.*

*Any doctor who deviates from the aforesaid procedure and leaves his/her place of posting un- authorizedly without proper sanction of Study leave or otherwise within UT of J&K, (from the Administrative Department & Study leave or otherwise outside the UT of J&K from the General Administration Department in consultation with Finance Department) shall be liable for disciplinary proceedings without any further notice.*

*Henceforth, if any of the doctor leaves his/her place of posting unauthorizedly or simply by submitting leave application/intimation, without obtaining formal sanction from the Administrative Department, the concerned Directorate shall immediately issue show cause notice to the concerned doctor and submit the same alongwith the reply of the doctor, if any, to the Administrative Department for initiation of disciplinary proceedings against him/her which may include removal/termination from the Government service in the interest of patient care."*

**AND WHEREAS**, the Directorate of Health Services, Jammu/Kashmir vide various communications (mentioned as references in their respective study leave orders) forwarded the

*[Handwritten signatures and initials in blue ink]*

cases of eligible doctors, for grant of Study leave in their favour for undergoing relevant higher study courses;

**AND WHEREAS**, on the basis of NOC issued by the Administrative Department and recommendations of the Directorate of Health Services, Jammu/Kashmir and on the fulfillment of pre-requisite conditions for grant of study leave within the UT of J&K, the H&ME Department accorded sanction to the grant of study leave in favour of following doctors for undergoing various higher study courses as per the details indicated against each:-

S. No.	Name/Designation of Doctor	Study leave sanctioned vide Government Order No. & Date	Details of Course/College.
1	Dr. Furqan Iqbal Bhat, Medical Officer, DH Budgam	G.O.No. 821-JK(HME) of 2022 dated 18.11.2022 for a period of one year w.e.f 17.11.2022	DNB Anesthesiology at JLNH Hospital, Srinagar
2.	Dr. Abid Ali, Medical Officer, SDH Magam	G.O.No. 852- JK(HME) of 2022 dated 30.11.2022 for a period of one year w.e.f 17.11.2022	Post MBBS Diploma in Paediatrics, JLNH Hospital, Srinagar.
3.	Dr. Manzoor Ahmad Rather, Consultant Anesthesia, DH Ganderbal	G.O.No. 857-JK(HME) of 2022 dated 30.11.2022 for a period of one year w.e.f 14.10.2022	DNB Post Diploma Anesthesiology at JLNH Hospital, Srinagar.

**AND WHEREAS**, Rule 61 of the J&K Civil Service (Leave) Rules, 1979 provides as under:-

1. Study leave may be granted to a Government servant with due regard to the exigencies of public service to enable him to undergo in or out of India a special course of study consisting of higher studies or specialized training in a professional or technical subject having a direct and close connection with sphere of his duty.

2. Study leave may also be granted:-

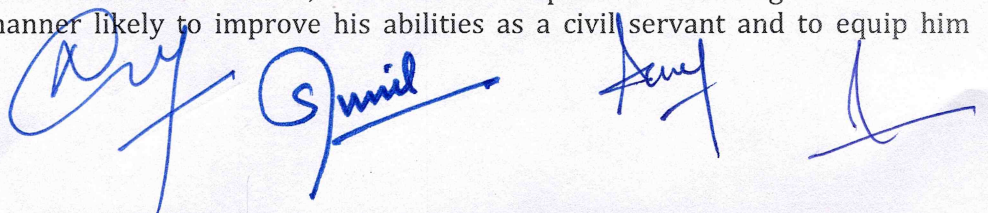
i. for a course of training or study tour in which a Government Servant may not attend a regular academic or semi- academic course if the course of training or the study tour is certified to be of definite advantage to Government from the point of view of public interest and is related to sphere of duties of the Government servant; and

ii. for the purpose of studies connected with the framework or background of public administration subject to the conditions that:-

*a. the particular study tour should be approved by the authority competent to grant leave; and*

*b. the Government servant would be required to submit on his return a full report on the work done by him while on study leave;*

iii. for the studies which may not be closely or directly connected with the work of a Government servant, but which are capable of widening his mind in a manner likely to improve his abilities as a civil servant and to equip him



better to collaborate with those employed in other branches of the public service.

3. Study leave shall not be granted unless:-

- i. It is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of public interest;
- ii. It is for prosecution of studies in subjects other than academic or literary; and
- iii. It is for prosecution of studies in such specialties and subject in which there may be dearth of officers in a Department;
- iv. The Department of Economic Affairs of the Ministry of Finance, Government of India agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India.

*Study leave out of India shall not be granted for prosecution of studies in subjects for which adequate facilities exist in India or under any of the scheme administered by the Government of India.*

4. Study leave shall not ordinarily be granted to a Government servant:-

- i. Who has rendered less than five year's service under the Government or till he/she, if probationer, does not complete the period of probation satisfactorily whichever is later.
  - ii. Who is due to retire or has the option to retire from the Government service within three years of the date on which he is expected to return to duty after the expiry of the leave.
5. Study leave shall not be granted to a Government servant with such frequency as to remove him from contact with a regular work or to cause cadre difficulties owing to his absence on leave.

**AND WHEREAS**, vide SRO 274 dated 30<sup>th</sup> May 2013, the Jammu & Kashmir Civil Service Regulations, 1956 and the Jammu & Kashmir Civil Service (Leave) Rules, 1979 have been amended as under:-

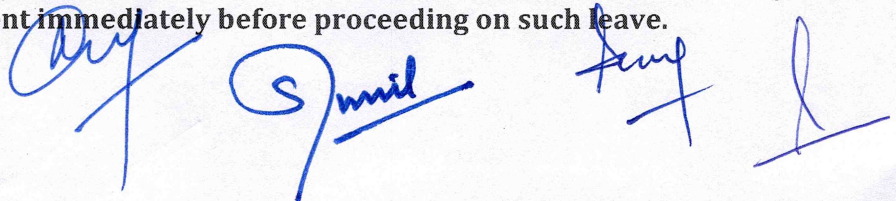
1) In the J&K Civil Service Regulations Volume-1. "the proviso to Article 44-A, shall be deleted."

II) In the J&K Civil Service (Leave) Rules 1979.

**1. Rule 67 shall be recast as under:**

**"Rule-67: (1)** During study leave availed outside India, a Government servant shall draw leave salary equal to the pay (without Allowances other than Dearness Allowance) that the Government servant drew while on duty with the Government immediately before proceeding on such leave in addition to the Study Allowance admissible under the provisions of rules 68 to 73.

**(2) (a)** During study leave availed in India, a Government servant shall draw leave salary equal to the pay (without Allowances other than Dearness Allowance) that the Government servant drew while on duty with the Government immediately before proceeding on such leave.



(b) Payment of leave salary at full rate under clause (a) shall be subject to furnishing of a certificate by the Government servant to the effect that he/she is not in receipt of any scholarship, stipend or remuneration in respect of any part-time employment.

(c) The amount, if any, received by a Government servant during the period of study leave as scholarship or stipend or remuneration in respect of any part-time employment as envisaged in sub-rule (2) of rule 67 shall be adjusted against the leave salary payable under this sub-rule subject to the condition that the leave salary shall not be reduced to an amount less than that payable as leave salary during half pay leave.

(d) No Study Allowance shall be paid during study leave for courses of study in India.

(e) All the Departments shall ensure that only the genuine and deserving cases avail of the benefit under these rules and shall accordingly lay down further guidelines specific to their departments."

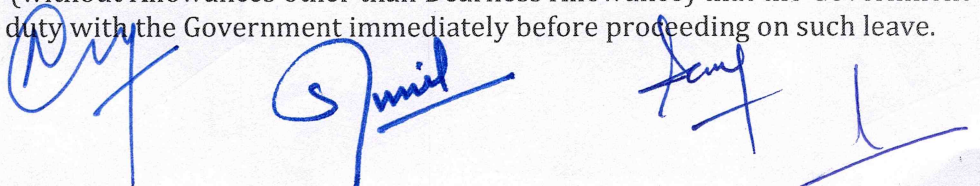
**AND WHEREAS**, the case has been examined in view of Rule 67 of the J&K Civil Service (Leave) Rules, 1979 amended vide SRO 274 dated 30th May 2013 and it transpires that the leave salary equal to the pay (without Allowances other than Dearness Allowance) is the entitlement in respect of the aforesaid doctors in terms of Rule 67 of the J&K Civil Service (Leave) Rules, 1979 amended vide SRO 274 dated 30th May 2013;

**AND WHEREAS**, the H&ME Department vide communication dated 12.01.2023 requested the Director Health Services, Kashmir to release the salary in respect of the doctors who are undergoing higher study courses (DNB) in different institutions from their respective last place of postings on the basis of attendance from the concerned institutions. However, their pay shall be regulated strictly in accordance with SRO-274 dated 30th May, 2013 issued by the Finance Department and other codal formalities on the subject;

**AND WHEREAS**, it is pertinent to mention here that earlier the H&ME Department vide G.O No. 597-HME of 2017 dated 25.10.2017 accorded sanction to the re-fixation of monthly basic stipend of post-graduate students enrolled in the State Government Medical Colleges/Dental Colleges as under:

1. Stipend for the 1st, 2nd and 3rd years of studies shall be paid at Rs 17000, Rs 18,000 & Rs.19000 plus usual allowances of Dearness Allowance and HRA as admissible under rules
2. HRA shall be payable only in favour of those PG students who are not provided accommodation of any kind at the Government Medical College/Dental Colleges Srinagar /Jammu
3. The doctors enrolled as PG students at Government Medical Colleges, who are already in Government service, shall draw the same salary and other allowances admissible under rules, from time to time, as they would have drawn in their parent department.

**AND WHEREAS**, Rule-67(2) (a) of the Jammu & Kashmir Civil Service (Leave) Rules, 1979, envisages that during a study leave availed in India, a Government servant shall draw leave salary equal to the pay (without Allowances other than Dearness Allowance) that the Government servant drew while on duty with the Government immediately before proceeding on such leave.



**AND WHEREAS**, from the above, it is explicitly clear that the provision relating to drawal of salary as contained in Government order No. 597-HME of 2017 dated 25.10.2017 are/ were not in accordance with the Jammu and Kashmir Civil Service (Leave) Rules, 1979 as notified vide SRO 274 dated 30.05.2015;

NOW, therefore, in partial modification of Government order No. 597-HME of 2017 dated 25.10.2017, it is clarified that the doctors and other paramedical staff during a study leave shall draw leave salary equal to the pay without allowances other than dearness allowance that they drew while being on duty before proceeding on such leave.

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

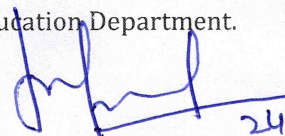
Sd/-  
**(Bhupinder Kumar) IAS**  
Secretary to the Government  
Health & Medical Education Department

No. HD-Gaz0Gen/37/2023-02 (CC-7104739)

Dated:24.07.2023

Copy to the:-

1. Principal Secretary to the Government, Finance Department.
2. Joint Secretary (Jammu, Kashmir & Ladakh), Ministry of Home Affairs, Government of India, New Delhi.
3. Director SKIMS, Soura, Srinagar.
4. Principal, SKIMS, Bemina.
5. Principal, Government Medical College, Jammu/ Srinagar/ Anantnag/ Baramulla /Rajouri /Doda /Kathua / Handwara/Udhampur.
6. Director, Archives, Archaeology & Museums, J&K.
7. Director, Health Services, Jammu/Kashmir
8. Pvt. Secretary to Secretary to the Government, Health & Medical Education Department.
9. I/c Website, Health and Medical Education Department.
10. Government order file/ Stock file/Monday Return (w.2.s.c).

  
**(Sanjeev Sharma) JKAS**  
Deputy Secretary to the Government  
Health and Medical Education Department  
