

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

Subject:- Settlement of period of unauthorized/undecided in respect of Dr. Tariq Ahmad Malik, Medical Officer.

Ref. No. Est/3/1-133/8446 dated 16.12.2021 from Directorate of Health Services, Kashmir.

Government Order No. 600 -JK(HME) of 2023
Dated: 28.07.2023

WHEREAS, Dr. Tariq Ahmad Malik was appointed as Medical Officer vide Government Order No. 464-HME of 2005 dated 01.08.2005 who submitted his joining in the Directorate of Health Services, Kashmir on 03.08.2005. At the time of appointment, the doctor was undergoing PG in Orthopaedics in Government Medical College, Srinagar;

AND WHEREAS, after completion of the course, the doctor joined in Directorate of Health Services, Kashmir on 01.05.2007;

AND WHEREAS, the aforesaid doctor while posted at E.H Qazigund proceeded on casual leave w.e.f 16.11.2015 and after availing the leave, he applied for 02 months earned leave before Medical Superintendent, E.H Qazigund. The leave applied by the doctor was not considered by the Medical Superintendent concerned and was directed to report back to his duties but the doctor continued on un-authorized absence;

AND WHEREAS, a notice was issued by the Director, Health Services, Kashmir to the Dr. Tariq Ahmad Malik, Medical Officer vide communication No. Est/3/1-133/T-56/5531-34 dated 12.01.2016, wherein an opportunity was given to the said doctor to report back to his duties at E.H Qazigund within five days, but the doctor failed to comply the instructions conveyed to him through notice and continued on un-authorized absence;

AND WHEREAS, the Director, Health Services, Kashmir vide letter No. Est/3/1-133/T-56/6254-55 dated 22.02.2016 referred the case to the Administrative Department for initiating necessary action as warranted under rules against the doctor for resorting on un-authorized absence;

AND WHEREAS, an opportunity was given to the doctor by issuing a final notice vide No. HME/HRM/68/2016 dated 25.07.2016, wherein the doctor was directed to report back for duties in the Directorate

of Health Services Kashmir within 15 days failing which his service shall be terminated under Article 128 of CSR without any further notice;

AND WHEREAS, in response to the notice, Directorate of Health Services, Kashmir vide communication dated 09.12.2016 intimated that the notice was served to the doctor physically by the Chief Medical Office, Kulgam and the doctor has submitted joining report in the CMO, Office, Kulgam on 01.11.2016;

AND WHEREAS, the case was examined in the department and vide this Department's letter dated 01.02.2017, the Directorate of Health Services, Kashmir was requested to intimate the reasons why the doctor has not joined within the time limit given in the final notice dated 25.07.2016;

AND WHEREAS, the Directorate of Health Services, Kashmir vide letter No. Est/3/1-133/T-56/5961 dated 06.03.2017 clarified that the final notice was dispatched to the residential address of the doctor by the CMO Kulgam vide office endorsement No. Est/Gaz-BG/2913-15 dated 19.10.2016 in response of which, the doctor reported to his office on 01.11.2016. The Directorate of Health Services, Kashmir also intimated that the doctor after submitting the joining report did not turn to the office, thereby again resorted on un-authorized absence;

AND WHEREAS, the case was further examined in the Administrative Department and it was decided to provide last opportunity to the concerned doctor for rejoining. Vide letter dated 25.09.2017, Directorate of Health Services, Kashmir was advised to serve the last opportunity to the doctor to submit a detailed report alongwith the justifiable reasons regarding his unauthorized absence and if he failed to do so, the services of doctor shall be terminated as per the rules in vogue;

AND WHEREAS, the Directorate of Health Services, Kashmir vide letter No. Est/3/1-133/3357 dated 11.11.2017 has intimated that Dr. Tariq Ahmad Malik approached Directorate of Health Services, Kashmir with a joining report on 03.07.2017. Accordingly, the report was submitted to the Administrative Department vide letter No. Est/3/1-133/2409-11 dated 13.09.2017. However, the services of the doctor were utilized at SDH Yaripora by the Directorate of Health Services, Kashmir purely in the interest of patient care as there was dearth of doctors at the said institution. Besides, an affidavit had been obtained from the doctor duly attested by 1st Class Judicial Magistrate wherein, among other contents, he declared that he shall not claim any salary from his previous joining which he submitted against the notice;

AND WHEREAS, vide Government Order No. 671-JK(HME) of 2021 dated 22.10.2021, Dr. Tariq Ahmad Malik, Medical Officer was transferred and posted in District Hospital Pulwama ;

AND WHEREAS, the Directorate of Health Services, Kashmir has forwarded his case regarding settlement period of unauthorized absence w.e.f. 23.11.2015 to 02.07.2017 to the Administrative Department for issuance of appropriate necessary instructions;

AND WHEREAS, the Health and Medical Education Department has placed the case before the Departmental Committee lately constituted vide Government Order No. 749-JK(HME) of 2021 dated 30.11.2021 under the chairmanship of the Director Finance, H&ME Department for examining the cases of doctors or any officer/official of subordinate office related to unauthorized absence/ overstay on deputation/ study leave or any other case of similar nature;

AND WHEREAS, the Departmental Designated Committee in its meeting held on 05.07.2022 recommended:-

“The committee recommends to treat the period of unauthorized absence w.e.f 23.11.2015 to 02.07.2017 in favour of Dr. Tariq Ahmad Malik, Medical Officer as Dies Non, subject to the condition that the said doctor was not involved in any subversive activities as well as he was not employed in any Government/Private sector and no departmental enquiry is pending against him, for which an affidavit authenticated by 1st Class Judicial Magistrate shall be obtained by the Directorate of Health Services, Kashmir from the concerned doctor.”

Now therefore, the Health & Medical Education Department while taking a considerate view in the matter as per recommendations of the Committee, hereby, accords sanction to treat the period of unauthorized absence w.e.f 23.11.2015 to 02.07.2017 in respect of Dr. Tariq Ahmad Malik, Medical Officer as ‘**Dies Non**’, subject to the condition that the said doctor was not involved in any subversive activities as well as he was not employed in any Government/Private sector and no departmental enquiry is pending against him, for which an affidavit authenticated by 1st Class Judicial Magistrate shall be obtained by the Directorate of Health Services, Kashmir from the concerned doctor.



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

By order of the Government of Jammu and Kashmir.


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

No. HD-Gaz0Gen/383/2021-02

Dated: 28.07.2023

Copy to the:-

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


(Shakoor Ahmad Dar)
Deputy Secretary to the Government
Health & Medical Education Department
28/7/23
HMS