

GOVERNMENT OF JAMMU AND KASHMIR
HEALTH & MEDICAL EDUCATION DEPARTMENT
HUMAN RESOURCE MANAGEMENT BRANCH
Civil Secretariat, J&K

Subject: Un-authorized absence of doctor – termination thereof.

Government Order No. 784 -JK(HME) of 2023
Dated: 22-09-2023

WHEREAS, Dr. Kawaldeep Kour was appointed at Medical Officer vide Government Order No. 335-HME of 2010 dated 17.06.2010;

AND WHEREAS, on her own request, GMC Baramulla relieved Dr. Kawaldeep Kour, Medical Officer on 09.03.2021 vide Order No.GMC/Bla/Acad/3073-78 dated 10.03.2021, and pursuant to the said relieving order, the doctor submitted her joining report in Directorate of Health Services, Kashmir on 13.03.2021;

AND WHEREAS, on 17.03.2021, the doctor submitted an application for sanction of study leave in her favour as she got admission in Laparoscopic Surgery having duration of one year w.e.f. 01.04.2021 to 31.03.2022;

AND WHEREAS, vide letter No. Est/3/1-133/3847 dated 31.03.2021, Director, Health Services, Kashmir submitted the case of Dr. Kawaldeep Kour, Medical officer for study leave in her favour as the Administrative Department, vide letter No. HD/Gaz/Gen/198/2019 dated 17.02.2021, among others, conveyed the approval for grant of NOC/Permission for applying/appearing/counseling before NBE/NEET or any authorized forum/entity in the calendar year, 2021 in favour of the aforesaid doctor;

AND WHEREAS, the doctor after submitting the departure report on 01.04.2021, left the office without prior approval of the Competent authority;

AND WHEREAS, on the recommendation of the Administrative Department, vide No. Est/3/1-133/8939-41 dated 31.01.2022, Director, Health Services, Kashmir served a notice to show cause as to why she had left for the course without bothering to have prior permission from the competent authority within seven days

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from the issuance of said notice and was also directed to report back in the respective Directorate within the same time period;

AND WHEREAS, the doctor did not report back in the Directorate of Health Services, Kashmir and instead submitted an application through post requesting therein that she will join back as soon as her course is completed;

AND WHEREAS, the case of Dr. Kawaldeep Kour, Medical Officer has been examined in the Department and it is observed that the doctor was supposed to report back in the Directorate of Health Services, Kashmir on 01.04.2022 as the duration of the fellowship in Laproscopic Surgery was one year w.e.f. 01.04.2021 to 31.03.2022, but the doctor didn't report back;

AND WHEREAS, in terms of Rule 33(1) of J&K Civil Services (CCA) Rules, 1956, vide No. HD-Gaz0Gen/179/2022- 02 dated 12.04.2023, a last and final opportunity has been given to the doctor by issuing show cause notice in her favour with the direction to explain her conduct for her continued unauthorized absence from duty to the Administrative Department within 15 days from the date of issuance of said notice, failing which, it shall be presumed that the doctor has nothing to say in her defense and disciplinary proceedings under Article 128 of J&K Civil Services Regulations, 1956 shall be initiated against her, ex-parte;

AND WHEREAS, in response to the show cause notice, the Department has not received any reply from the doctor concerned within the stipulated time period;

AND WHEREAS, vide letter No. HD- Gaz0Gen/281/2022-02 dated 17.05.2023, Director, Health Services Kashmir was requested to furnish reply to the show cause notice, if any, submitted by the doctor, but, the Director, Health Services, Kashmir vide letter No. Est-3/1- 133/3398 dated 26.07.2023 has informed that no reply has been received from Dr. Kawaldeep Kour in response to the Administrative Department's show cause notice;

AND WHEREAS, Rule 8 (i) of J&K Civil Services Leave Rules, 1979 reads as under:-

"Leave cannot be claimed as a matter of right".







AND WHEREAS, the Article 128 of J&K Civil Services Regulations, 1956 envisages as under:-

"Absence without leave or after the end of leave involves loss of appointment, except as provided in Article 203(b) or when due to ill health in which case the absentee just produce the certificate of Medical Officer."

NOW, THEREFORE, in terms of Article 128 of Jammu and Kashmir Civil Services Regulations, 1956, sanction is hereby accorded to the termination of the services of Dr. Kawaldeep Kour, Medical Officer and discharge her from Government Services w.e.f. 01.04.2021 i.e. from the date when she resorted to un-authorized absence from duty.

By order of the Government of Jammu and Kashmir.

Sd/-

(Bhupinder Kumar) IAS

Secretary to the Government

Dated: 22.09.2023

HME-HD/G/8/2021-02

Copy to the:-

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

(Sanjeev Sharma) JKAS

Deputy Secretary to the Government

Israt *Nishal*