

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

Subject: Unauthorized absence of doctor - joining thereof.

Government Order No. 785 -JK(HME) of 2023
Dated: 22 .09.2023

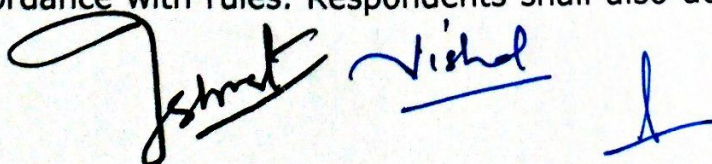
WHEREAS, Dr. Junaida Sarwar was appointed as Medical Officer vide Government Order No. 132-HME of 2014 dated 04-03- 2014;

AND WHEREAS, the doctor applied for NOC for pursuing MD Anaesthesiology from SKIMS, Soura, Srinagar, but she joined the same without proper permission from the competent authority on the direction of the Hon'ble High Court passed vide order dated 20.06.2019 in WP(C) 2027/2019, CM No. 3896/2019 titled Dr. Junaida Sarwar Vs State of J&K and others;

AND WHEREAS, after completion of the said course, the doctor concerned submitted her joining report in the Directorate of Health Services, Jammu on 01.05.2021, but the Director, Health Services, Jammu did not accept her joining report and submitted her case to the Administrative Department due to reason that NOC/permission was not granted in her favour to pursue the said course;

AND WHEREAS, the doctor approached the Hon'ble Court and the Hon'ble High Court vide order dated 05.05.2022 in WP(C) 2027/2019, CM No. 1653/2022, 3896/2019, 5408/2019, titled Dr. Junaida Sarwar Vs State of J&K and others, disposed of the writ petition with the following direction:-

"06. Taking into consideration the facts and circumstances obtaining in the case, I am of the view that ends of justice would be met by holding that in the Case of the NOC by her employer to undergo MD Anaesthesiology in SKIMS, Soura Srinagar, shall be deemed to have been granted. The respondents in particular, the respondents 1 and 2, shall consider the regularization of her period of absence from service for the period she was undergoing course of MD, Anasthesiology in SKIMS, Soura Srinagar, in accordance with rules. Respondents shall also do well to post the



petitioner at an appropriate place to utilize her services for the large interest of health care".

AND WHEREAS, vide No. HME-HRM/78/2021-02 dated 01.07.2022, among others, Show Cause Notice was served to Dr. Junaida Sarwar, Medical Officer with the direction to explain her position as to why her services shall not be terminated in terms of Article 128 of J&K Civil Services Regulations, 1956 for remaining on unauthorized absent from duties, within a period of 15 days from the issuance of said notice, failing which, it shall be presumed that she has nothing to say in her defense and disciplinary proceedings shall be initiated against her, ex-parte;

AND WHEREAS, in response, the doctor has submitted her reply, stating therein that she joined PG course in Anaesthesiology at SKIMS Soura after passing NEET, conducted by BOPEE on 01.05.2019, pending NOC from the Health Department, on the direction of the Hon'ble High Court of J&K vide CM No. 3896/2019 dated 20.06.2019. However, after submission of joining report in the Directorate of Health Services, Jammu, she was not allowed to resume her duties, thereby, she sought directions from the Hon'ble High Court for redressal of her grievances and the Hon'ble High Court has passed necessary directions vide CM No. 1653/2022 dated 05.05.2022 and, finally, she has requested to allow her to join her duties;

AND WHEREAS, the doctor has shown her willingness to serve the patients and her specialization in Anaesthesiology shall be beneficial for patient-care, therefore, the Department has taken a lenient view and decided to accept the joining report of Dr. Junaida Sarwar (MD Anaesthesiology), Medical Officer.

NOW, THEREFORE, sanction is hereby accorded:-

a) to allow Dr. Junaida Sarwar, Medical Officer to join the Department notionally w.e.f. 01.05.2021 and monetary with immediate effect and post her at District Hospital Ramban with immediate effect, subject to following conditions:-

i. *She was not involved in any subversive activities as well as was not employed in any other Government/ private sector during the said period, for which an affidavit duly authenticated by the 1st Class Judicial Magistrate be obtained by the Directorate of Health Services, Jammu.*

Jshret Vishal

[Signature]

ii. The concerned doctor is warned not to leave her place of posting for any occasion whatsoever in future, without proper permission from the competent authority, failing which, disciplinary action in terms of Jammu & Kashmir Civil Services Regulations, 1956 shall be initiated against her without any further notice.

b) the intervening period of her absence/undergoing MD Anaesthesiology from SKIMS Soura shall be decided by the Departmental Designated Committee separately.

By order of the Government of Jammu & Kashmir.

Sd/-

(Bhupinder Kumar) IAS

Secretary to the Government

Dated: 22.09.2023

No. HME-HRM/78/2021-02

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, Jammu.
4. Director, Health Services, Jammu/Kashmir.
5. OSD with Advisor (B) to the Hon'ble Lieutenant Governor.
6. Private Secretary to the Secretary to the Government, Health & Medical Education Department.
7. Concerned doctor.
8. I/C Website H&ME.
9. Government Order file/Stock file/Monday Return.

(Sanjeev Sharma) JKAS

Deputy Secretary to the Government

Jshrat *Nishat*