

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

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

Government Order No. 786 -JK(HME) of 2023
Dated: 22 -09-2023

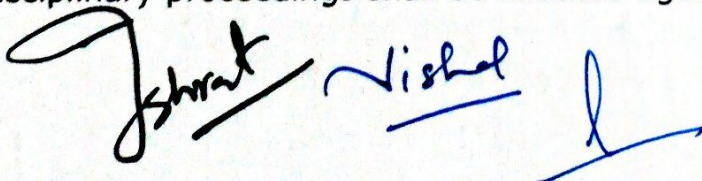
WHEREAS, Dr. Asim Shameem Zaz was appointed as Medical Officer vide Government Order No. 464-HME of 2005 dated 01.08.2005;

AND WHEREAS, the doctor submitted a leave application to the Chief Medical Officer, Budgam for grant of 89 days earned leave w.e.f. 28-10-2019 to attend marriage ceremony of his niece in (Canada), which was forwarded to the Director, Health Services, Kashmir for sanctioning the same in his favour;

AND WHEREAS, before sanctioning of the leave, the doctor left his office and thereafter, by e-mail, requested for extension in earned leave by 89 days more w.e.f. 28-01-2020;

AND WHEREAS, vide letter No. Est/3/1-133/1066-69 dated 28.04.2020, Director, Health Services, Kashmir issued a notice to the doctor and directed him to show cause as to why action as warranted under rules shall not be initiated against him, for resorting to unauthorized absence and leaving the country without proper permission, within seven days, but the doctor did not reply to the notice and remained on unauthorized absence;

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



AND WHEREAS, in response to the show cause notice, the doctor has submitted his reply as under:-

- i. That, he could not resume his duties and return from overseas as his mother-in-law got operated and she needed his wife, who is a foreign lady, to take care of her.
- ii. That, while his mother-in-law was recovering from surgery, the world got severely affected by the Covid-19 and travel restrictions were imposed all over the world, resulting in further delay to travel in India.
- iii. That, he has applied for extension of his earned leave from time to time via email to his immediate officer and he had almost 300 days earned leave credit in his account.
- iv. That, he has requested to allow premature or Voluntary retirement, whatever permissible under rules, in his favour and issue orders to release his salary/ benefits for his absence period.

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

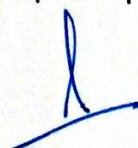
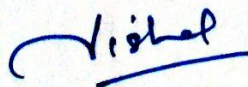
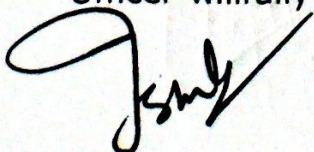
"Leave cannot be claimed as a matter of right".

AND WHEREAS, Article 128 of J&K Civil Services Regulations Volume-I 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."

AND WHEREAS, as per Circular No. 08-JK(GAD) of 2021 dated 13.02.2021, the General Administration Department has clarified that prior permission of the competent authority for leaving the station shall be mandatory when a Government employee intends to visit a foreign country on private affairs;

AND WHEREAS, the case has been examined in the Department and it revealed that Dr. Asim Shameem Zaz, Medical Officer willfully left the country without prior permission from the



competent authority and sanctioning of the earned leave, however, has now requested to allow premature/voluntary retirement as admissible under rules in his favour.

NOW, THEREFORE, in exercise of powers conferred under the provision of Article 128 of J&K Civil Service Regulations, 1956, Dr. Asim Shameem Zaz, Medical officer is hereby terminated and discharge from the Government service w.e.f. 28.10.2019 for remaining on unauthorized absence from duties and leaving the country without prior permission/sanction of earned leave.

By order of the Government of Jammu & Kashmir.

Sd/-
(Bhupinder Kumar) IAS
Secretary to the Government

No. HME-HRM/78/2021-02

Dated: 22.09.2023

Copy to the:-

1. Principal Secretary to the Lieutenant Governor.
2. Joint Secretary, (JK&K), 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

Jshmat Vishal