

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. 83 -JK(HME) of 2023

Dated: 30 .01.2023

WHEREAS, Dr. Ovais Nazir was appointed as Medical Officer in the Health & Family Welfare Department vide Government Order No. 132-HME of 2014 dated 04.03.2014;

AND WHEREAS, the doctor concerned submitted his joining report in Directorate of Health Services, Kashmir on 12.03.2014, however, he was undergoing DNB in Anesthesia at Artemis Health Institute, Gurgaon Haryana and preferred to continue the said course on the following interim directions passed by the Hon'ble High Court vide its order dated 30.06.2014:-

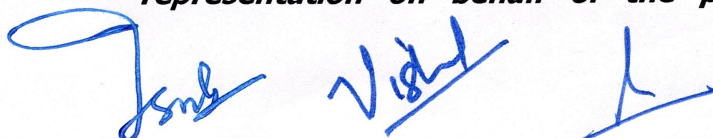
"Notice in CMP also returnable within the same period meanwhile subject to objections of other side, it is ordered that respondents shall take a decision on the application filed by the petitioner for grant of study leave in accordance with the rules. Respondents shall however, protect the interest of petitioner as regards selection and appointment of Medical Officer till final decision is taken on the application by the petitioner".

AND WHEREAS, vide Government Order No. 04-HME of 2016 dated 06.01.2016, among others, sanction to the grant of extension in joining time was accorded in favour of the aforesaid doctor prospectively, but, he did not reported back in pursuance of Government Order No. 04-HME of 2016 dated 06.01.2016;

AND WHEREAS, the said doctor applied for joining in the Directorate of Health Services, Kashmir and Director, Health Services, Kashmir, vide order No. Est-3/1-133/831-35 dated 28.02.2018, utilized the services of the doctor concerned at SDH, Kupwara, which indicates that the unauthorized period w.e.f. 07.01.2016 to 28.02.2018, of the doctor concerned has not been settled till date;

AND WHEREAS, the aforesaid doctor while posted at SDH Kupwara again resorted to un-authorized absence w.e.f 01.06.2018, for undergoing DNB Superspeciality in Neuro Anesthesiology on the direction of the order dated 11.05.2018 , passed by the Hon'ble High Court in SWP No. 1008/2018 MP No. 01/2018, titled Dr. Ovais Nazir Vs State of J&K and others, the operative part of which is as under:-

"In view of the statement made by the learned counsel for the petitioner, the writ petition is disposed of with a direction to the respondents to treat the same as representation on behalf of the petitioner and accord



consideration to the claim of the petitioner strictly in accord with law and the rules governing the filed within a period of three weeks from the date certified copy of this order along with all annexure of the writ petition are made available to the respondent, till then present status of the petitioner shall not be disturbed".

AND WHEREAS, the un-authorized absence case of Dr. Ovais Nazir, Medical Officer was placed before the Departmental Designated Committee for consideration/recommendation, however, the Committee vide its meeting dated 05.07.2022 recommended as under:-

"The committee recommends that the instant case be referred to HRM Branch of H&ME Department for re-examination of the case on merits under laid down rules and regulations on the subject with the approval of competent authority".

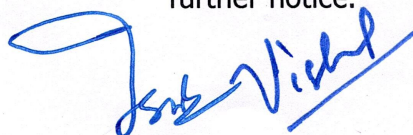
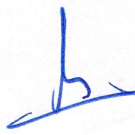
AND WHEREAS, the case has been examined in the HRM Branch of the Health & Medical Education Department and in terms of rule 33(1) of J&K Civil Services (Classification, Control & Appeal) Rules, 1956, vide No. HME-HRM/46/2021-02 dated 11.11.2022, a show cause notice was served to Dr. Ovais Nazir, Medical Officer to explain his conduct for his continued unauthorized absence from duties;

AND WHEREAS, in response, Dr. Ovais Nazir, Medical Officer has submitted that he is very much eager to deliver healthcare service for which he is waiting since 29-10-2020 and since his specialization and experience in the field of Anaesthesiology will be helpful and beneficial to state health sector and requested that the Government take a compassionate and sympathetic look into his case and allow him to re-join his duties;

AND WHEREAS, since the Dr. Ovais Nazir, Medical Officer has shown his willingness to rejoin his duties, therefore, the Government has taken a lenient view and decided to accept the joining report of doctor;

NOW, THEREFORE, sanction is hereby accorded to:-

- a. accept the joining report of Dr. Ovais Nazir, Medical Officer (DNB Anaesthesiology) notionally w.e.f. 29.10.2020 and monetary with immediate effect, subject to following conditions:-
 - i) He is/was not involved in any subversive activities as well as is/was not employed in any other Government/private sector till date, for which an affidavit duly authenticated by the 1st Class Judicial Magistrate be obtained by the Directorate of Health Services, Kashmir.
 - ii) The concerned Doctor shall be warned not to leave his place of posting for any occasion in future without approval of the competent authority, for which disciplinary action shall be initiated against him in terms of Rule 128 of J&K Civil Services Regulations Volume-I, without any further notice.

b. Dr. Ovais Nazir, Medical Officer is, hereby, deputed to Government Medical College Handwara on standard terms and conditions of deputation.

c. Since the doctor was not eligible for study leave, as the period of his absence/undergoing Senior Residency from SHKM, GMC w.e.f. 07.01.2016 to 27.02.2018 and 01.06.2018 to 28.10.2020 shall be treated as 'Dies Non'.

By order of the Government of Jammu & Kashmir.

Sd/-

(Bhupinder Kumar) IAS

Secretary to the Government,
Health and Medical Education Department

No. HME/HRM/46-2021-02

Dated: 30.01.2023

Copy to the:-

1. Principal Secretary to the Lieutenant Governor.
2. Joint Secretary, (J&K), Ministry of Home Affairs, Government of India.
3. Director, Archives, Archaeology & Museums, J&K, Jammu.
4. Principal, Government Medical College, Handwara.
5. Director, Health Services, Kashmir.
6. OSD with Advisor (B) to the Lieutenant Governor.
7. Private Secretary to the Secretary to the Government, Health & Medical Education Department.
8. Concerned doctor.
9. I/C Website H&ME.
10. Government Order file/Stock file/Monday Return.

(Sanjeev Sharma) JKAS

Deputy Secretary to the Government
Health & Medical Education Department

