

GOVERNMENT OF JAMMU & KASHMIR

HEALTH & MEDICAL EDUCATION DEPARTMENT

CIVIL SECRETARIAT, JAMMU.

Subject: Cancellation of appointments.

Ref: i. Government Order No: 49-HME of 2019 dated 14-01-2019, G.O.No:123-HME of 2019 dated 01-02-2019, G.O.No:181-HME of 2019 dated 13-02-2019 and G.O. No: 191-HME of 2019 dated 21-02-2019 issued by H&ME Department.
 ii. No: ES-3/PSC/4522-32 dated 08-03-2019 from Directorate of Health Services, Jammu and No: Est/3/1-133/8376 dated 11-3-2019 from Directorate of Health Services, Kashmir.

Government Order No: 333 -HME of 2019
Dated: 14 -03-2019

WHEREAS, on the recommendations of the J&K Public Service Commission, sanction vide Government Order No 49 of 2019 dated 14/01/2019, was accorded to the temporary appointment of nine hundred and twenty one (921) candidates as Medical Officers in the Jammu and Kashmir Health and Family Welfare (Gazetted) Service in the pay band of Rs. 9300-34800+GP 5400 (pre-revised); now revised to Level-9 (52700-166700)), along with their postings, subject to the following conditions:-

- A)** The appointment of the candidates shall be strictly governed by the conditions laid down in the Jammu and Kashmir Special Recruitment Rules notified vide SRO 202 of 2015 dated 30.06.2015.
- B)** The appointee(s) shall not be allowed to continue with PG/ tenures of Senior Residency/ Registrarship/ Demonstratorship and they will have only one choice either to opt for appointment or opt out and go for PG/ tenures of Senior Residency/ Registrarship/ Demonstratorship in which case candidates from the waiting list will be considered for appointment.
- C)** The appointee(s) shall submit their joining reports to their concerned Drawing and Disbursing officers(DDOs) within a period of 21 days from the date of issuance of appointment order and in case of failure of any appointee to join within the stipulated period, his/her appointment shall be deemed to have been cancelled ab-initio without any further notice.
- D)** The appointee(s) shall be allowed to join by the concerned Drawing and Disbursing officers(DDOs) only on production of the following certificates in original:-
 - i. Academic/Technical Qualification Certificates.
 - ii. Matriculation/Date of Birth Certificate.
 - iii. Health Certificate issued by the Standing Medical Board.
 - iv. Permanent Resident Certificate issued by the Competent Authority.
 - v. Certificates from the District Industries Centre(DIC) and District Employment & Counseling Centre to the effect that no loan under the self employment scheme has been taken by the appointee.
 - vi. Relevant category certificate(s), (in case of candidates belonging to reserved categories).
 - vii. Any other certificates/documents as required under rules/norms.
- E)** The appointee(s) shall give an undertaking duly attested by the First Class Judicial Magistrate in the shape of an affidavit to the effect that in case adverse report about his/her character and antecedents is received from Inspector General of Police (CID), J&K to whom a reference shall be made by the Directorate Health Services Jammu/Kashmir, after the cases for such verifications are received from the concerned Drawing and Disbursing officers(DDOs), the candidate(s) shall have no right to claim his/her appointment as Medical Officer and his/her appointment as such shall be deemed to have been cancelled ab-initio without further notice.
- F)** If on verification, the Certificate(s) produced by the appointee(s) are proved to be fake or forged, the appointment shall be deemed to have been cancelled ab-initio without further notice.
- G)** The salary of the appointee shall not be drawn and disbursed to him/her unless the satisfactory reports in respect of (E) and (F) above are received in his favour.
- H)** The appointees shall be initially on probation for a period of Five (05) years and after completion of 05 years of their services, they shall be declared as permanent as per SRO 202 dated: 30.06.2015 and J&K Civil Services (Classification, Control and Appeal) Rules 1956.
- I)** The appointees shall give an undertaking duly attested by the First Class Judicial Magistrate in the shape of an affidavit to the effect that:-
 - i. he/she shall abide by all the terms & conditions as laid down in the appointment order.
 - ii. he/she shall not claim for any kind of leave, permission or exception to continue with his/her PG/ tenures of Senior Residency/ Registrarship/ Demonstratorship.
 - iii. he/she shall necessarily work for a period of Five (05) years of probation on the post against which he/she has been appointed.
 - iv. he/she shall not be eligible for transfer for whatsoever reason during the temporary service of 05 years and in case of candidates who are residents of backward area or an area adjoining Line of Actual Control, for a period of not less than seven years.
 - v. he/she shall be liable for action as warranted under rules for violating any of the laid down conditions in the appointment order.
- J)** The interim arrangement, if any, made on contract/deputation or an academic arrangement basis against the aforesaid posts of Medical Officers shall be deemed to have been terminated forthwith.
- K)** The inter-se-seniority of the appointees shall be drawn in accordance with the merit secured by these appointees in the selection list prepared by the J&K Public Service Commission.
- L)** The appointment of the candidates shall be subject to outcome of the writ petition (s), if any, pending before any Competent Court of Law.

AND WHEREAS, aforesaid Government order was challenged before the Hon'ble High Court in both wings Srinagar/Jammu by way of various writ petitions; AND WHEREAS, the Hon'ble High court passed directions in these writ petition from time to time, the department after examining/considering the orders of the Hon'ble Court passed in these writ petitions passed following directions vide Government Order No: 174-HME of 2019 dated 12-02-2019:-

"Now, therefore, in compliance to aforesaid directions of Hon'ble High Court at Srinagar passed in various writ petitions, the case of the petitions have duly been considered and it is hereby ordered that the petitioners/appointees shall not be allowed to continue with PG/tenures of Senior Residency/Registrarship/Demonstratorship and they will have only one choice either to opt for appointment or opt out and go for PG/tenures of Senior Residency/Registrarship/Demonstratorship. Accordingly, all the petitioner in this regard are directed to report at their place of postings ordered vide Government Order No: 49-HME of 2019 dated 14-01-2019 with in a period of 10 days from the date of issuance of this order failing which their appointments shall be deemed to have been cancelled ab-initio and candidates from the waiting list will be considered for appointment without any further notice."

AND WHEREAS, Hon'ble High Court on 19.02.2019 dismissed the application in SWP No. 249/2019, IA No. 01/2019 IA No. 02/2019-titled Dr. Aezaz Ahmad BhatOrsVs State of J&K &Ors with following observations:-
 "Admittedly, the selection and appointment of the petitioners has been made in terms of Jammu & Kashmir Special Recruitment Rules, 2015, notified vide SRO 202 of 2015 and by application of the said rules, there is no scope for the petitioners to seek extension in joining time from the Court. Court cannot pass a direction by extending the period of joining till petitioners complete their PG Course/tenure appointments as Registrarship/Senior Residency/Demonstratorship, which in case allowed will amount to interference with the decision of the Government. The Government has while making appointments of the petitioners on the recommendations of the PSC, against the post of Medical Officers, consequently posted them in various areas of the State of J&K and provided the joining time with the object of making available the doctors in the most far flung and other areas of State of J&K. The requirement for providing doctors to the patients in the State of J&K is in fulfillment of dire need of such areas, therefore, these appointments are made with reference to special creations under the Special Recruitment Rules. The word 'Special' in the recruitment rules by its simple meaning has reference to involving the public interest. Therefore, the Government in order to meet the public interest, have made these appointments and postings of the petitioners. In the event, the submission of learned appearing counsel for the petitioners is accepted and any indulgence shown by grant of interim relief, same will amount to depriving the patient care of the far flung areas from Medical Officers. The posts cannot be kept unfilled on account of non-availability of these petitioners who are hundreds in number, resultantly keeping the Government Health Institution in far flung areas without Doctors.

The petitioner are undergoing PG course in difference disciplines of medical education at various institutes and in the event they join the post, they have to half way leave the course, resultantly as submitted by Mr. Z.A. Shah, senior counsel appearing for the petitioners may deprive them of having higher education qualification medical degrees, but it is for the petitioners to decide as to whether they want to continue with PG course/tenure appointments as Registrarship/Senior Residency/Demonstratorship or to join the post of Medical Officers against which post they have been appointed on the recommendation of Public service Commission. In the event the petitioners chose not to join the posts, the Government cannot be asked to keep these posts vacant, as they require the Doctors, therefore, they are at liberty to fill up these posts out of the waiting list, so as to ensure making available the Medical Officers to the patients in the far flung areas. In that view of the matter, the application seeking interim relief is dismissed."

AND WHEREAS, due to inclement weather conditions prevailing in the State at that point of time, the Health & Medical Education Department, on the recommendations of Divisional Commissioner, Kashmir, extended joining time of the newly appointed Medical Officers vide G.O.No:123-HME of 2019 dated 01-02-2019, G.O.No:181-HME of 2019 dated 13-02-2019 and G.O. No: 191-HME of 2019 dated 21-02-2019 upto 26-02-2019 wherein it was categorically mentioned that in case the newly appointed Medical Officers fail to join at their respective place of postings within stipulated period of time their appointments shall be deemed to have been cancelled ab-initio and candidates from the waiting list shall be considered for appointment, without any further notice;

AND WHEREAS, the Directorate of Health Services, Jammu vide No: ES-3/PSC/4522-32 dated 08-03-2019 and Directorate of Health Services, Kashmir vide No: Est/3/1-133/8376 dated 11-3-2019 furnished the information/particulars of the Medical Officers, who have not joined at their respective place of postings upto the last date of joining;

Now, therefore, it is hereby ordered that the appointments in respect of 437 Medical Officers appointed vide Government Order No: 49-HME of 2019 dated 14-01-2019, whose details are indicated in Annexure 'A' to this Order, shall be deemed to have been cancelled, ab-initio.

By Order of the Government of Jammu & Kashmir.

No. HD/Gaz/204/2018-III
 Dated: 14 .03.2019

DIP/J-13658/19
 DT- 14-03-2019

SD/-
 (ATALDULLOO) IAS
 PRINCIPAL SECRETARY TO THE GOVERNMENT
 HEALTH AND MEDICAL EDUCATION DEPARTMENT

GOVERNMENT OF JAMMU AND KASHMIR HEALTH & MEDICAL EDUCATION DEPARTMENT CIVIL SECRETARIAT, JAMMU.

NOTICE

The following Medical Officers appointed on the recommendations of the J&K Public Service Commission, vide Government Order No 49 of 2019 dated 14/01/2019, who have submitted their joining reports but are not physically continuing at their respective place of postings as on date are hereby given last and final opportunity to resume their duties at their respective place of postings within a period of 7 days, from the date of issuance of this notice, failing which they shall be deemed to have been discharged from the probation in pursuance of J&K Classification, Control & Appeal Rules, 1956:-

S. No.	Name	Parentage	Address	Category	PLACE OF POSTING				
40.	449	SANJAY KUMAR	JODH RAM	OM	TALAB TILLO				
41.	468	PALLAVI BLORIA	SACHDEV BLORIA	OM	22 LILARAN DRABSHALLA				
42.	510	KOWSAR JAN	GH NABI MALIK	OM	326 SECTOR C SAINIK COLONY SAINIK COLONY JAMMU				
43.	518	NEELAM GUPTA	LT RAJ KUMAR GUPTA	OM	01 BOH DAMHAL HANJIPORA D. H. PORA				
44.	522	SYED MUDDASIR	SYED MUSTAFA SHAH	OM	H.NO. 251 BC ROAD NEAR OLD REHARI CHUNGI JAMMU				
45.	523	SOURABH KATOCH	ASHOK KUMAR	OM	36 MIDOORA AWANTIPORA PULWAMA				
46.	530	FAYAZ AHMAD NAJAR	GH HASSAN NAJAR	OM	WARD NO 4 NEAR DISTRICT HOSPITAL SAMBA				
47.	574	ASMAT RUNYAL	BASHIR AHMED RUNYAL	OM	182 BUCHROO CHADOORA				
48.	583	SUKHVIR SINGH	PIARA SINGH RAPIAL	OM	MALIGAM POGAL TEHSIL BANIHAL RAMBAN.				
49.	589	IFFAT RUNYAL	BASHIR AHMED RUNYAL	OM	VPO RAIKA LABANA TEHSIL RAMGARH SAMBA				
50.	644	FIRDOSE KOUSER	MOHD QAYOOM THAKER	OM	MALIGAM POGAL POGAL PERISTAN BANIHAL RAMBAN.				
51.	669	RAHUL SINGH	RATTAN CHAND	OM	R/O SHAHDARA SHARIF P/O SHAHDARA SHARIF THANAMANDI RAJOURI.				
52.	679	HUMA AFZAL MIRZA	MOHD AFZAL MIRZA	OM	R/O THAKRIE PO FILLER KISHTWAR				
53.	689	RITU	DES RAJ	OM	AKINGAM KOKERNAG ANANTNAG.				
54.	701	FARHAT AHMED	MOHD AMIN GIRI	OM	PANZAN CHADOORA BUDGAM				
55.	706	SADFAF AMIN	AMIN BHAT	OM	DR B R AMBEDKAR COLONY VILLAGE ROUNT UDHAMPUR				
56.	723	ANSHUMAN	MAHESH CHANDER BHAGAT	OM	HOUSE NO 117 JANKI VIHAR JANIPUR JAMMU				
57.	732	TANVEER RASOOL	GHULAM RASOOL BANDAY	OM	BANKOOT BANIHAL RAMBAN.				
58.	736	MANSOORA AKHTER	GH MOHD WANI	OM	WARD NO. 07 MUSLIM MOHALLA REASI				
59.	739	YASMEENA AKHTER	GH NABI MALLA	OM	H NO 193 SEC A SUBASH NAGAR JAMMU/O				
60.	740	SHABIR AHMED	ABDUL MAJEED	OM	KILHOTRAN BHALESSA DODA.				
61.	747	BABLI ATTRI	MASHAMBAR DASS	OM	VILLAGE SUJMATNA UKHRAL TEHSIL BANIHAL, RAMBAN				
62.	750	MOHD NASIR	MOHD RAFIQ	OM	WALTENGO KUND QAZIGUND KULGAM				
63.	752	ASMA AHMED	MUSHTAQ AHMED	OM	DR B R AMBEDKAR COLONY VILLAGE ROUNT UDHAMPUR				
64.	776	SONAKSHI JAMWAL	HUKUM SINGH	OM	02 KILLORA MALIGUND SHOPIAN.				
65.	778	FAIZAH YOUSUF	MOHD YOUSUF WANI	OM	KABIR NAGAR W.NO. 17 KATHUA.				
66.	801	REETA DEVI	GOPI CHAND	OM					
67.	825	SHEEMA BASHIR	BASHIR AHMAD BHAT	OM					
68.	827	PAWAN KUMAR	BHAG SINGH	OM					
69.	837	MANSOOR UL HAQ	MUNIR HUSSAIN	OM					
70.	838	GAZANFAR RASHID	AB RASHID WANI	OM					
71.	855	MUBASHIR AHMAD	NISAR AHMAD SHEIKH	OM					
72.	858	SHAHNAWAZ AHMED	NAZIR AHMED	OM					
73.	879	SUMTEET ANGRAL	RATTAN LAL ANGRAL	OM					
74.	881	IRM YASMEEN	ABDUL WHEED IQBAL	OM					
75.	882	SHAMEEMA GULZAR	MISTER GULZAR AHMAD DAR	OM					
76.	883	NUZHAT SABAH	FAZAL KARIM	OM					
77.	884	ASHWANI KUMAR	SUBASH CHANDER	OM					
78.	885	RAHUL SHARMA	SUBASH CHANDER SHARMA	OM					
79.	915	MOHAMAD	FAROOZ AHMAD GANAYEE	OM					
			ALTAF GANAYEE	OM					

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