

**UNION TERRITORY OF JAMMU & KASHMIR
DIRECTORATE OF HEALTH SERVICES, JAMMU**

(Near MLA Hostel, Indra Chowk Jammu, J&K, Pin: 180001
E-Mail: dhsjammu@rediffmail.com, dhsjammu@gmail.com
Tel. No: 0191- 2546338, 0191-2549632 Fax No: 0191- 2549632

Subject: - O.A./07/2023 titled Shoket Ali & Ors Vs U.T. of J&K & Ors.

ORDER

Whereas, the applicants in the above titled case, who are working as BHW, JHI & MI in Surankote Block of Poonch District, have filed the Original Application before the Hon'ble Central Administrative Tribunal, Jammu Bench seeking following reliefs:-

- Allow the instant original application.
- To quash the Order No. DHS/J/Accounts/11212-28, dated 27-12-2022, passed by respondent No. 3.
- To direct the respondents to release the 2 ½ days pay in favour of the applicants.
- Prayer for the grant of any other interim or final relief as may be deemed appropriate in the facts and circumstances of the case in favour of the applicant.

And whereas, the Hon'ble Central Administrative Tribunal, Jammu Bench has disposed of the case, on 27-04-2023, with the judgement/order whose operative portion reads as under:-

"Accordingly, the Original Application is disposed of with a direction to Director Health Services, Jammu (Respondent No. 2 herein) to decide the application pending representation and pass a reasoned and speaking order in accordance with law. If a supplementary representation is submitted by the applicant within a period of three weeks from today, the same shall also be taken into consideration. Before taking any decision into the matter, the applicants shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of eight weeks from the date of receipt of a certified copy of this order."

And whereas, the applicants, inter-alia, have contended in the original application that they are basic health workers/JHI/MI working with respondents and are performing their duties and not availing any gazetted holidays and even performing duties in the odd time i.e. at night also even on roster and accordingly have claimed that they cannot be denied their monthly allowance equivalent to 2 ½ days' pay accrued to them in terms of Govt. Order No. 274-HME of 1991, dated 04-03-1991, and,

And whereas, in order to comply with Hon'ble Central Administrative Tribunal, Jammu's order dated 27-04-2023 with regard to afford an opportunity of hearing to the applicants before taking a decision, the date of hearing of the applicants was fixed on 09-08-2023 and accordingly the

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ORDER

Whereas, the applicants in the above titled case, who are working as JHI & MI in Surankote Block of Poonch District, have filed the O Application before the Hon'ble Central Administrative Tribunal, Jammu seeking following reliefs:-

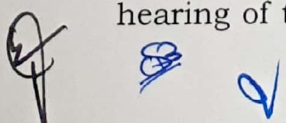
- a) Allow the instant original application.
- b) To quash the Order No. DHS/J/Accounts/11212-28, dated 27-1 passed by respondent No. 3.
- c) To direct the respondents to release the 2 ½ days pay in favour applicants.
- d) Prayer for the grant of any other interim or final relief as may be appropriate in the facts and circumstances of the case in favour applicant.

And whereas, the Hon'ble Central Administrative Tribunal, Jammu has disposed of the case, on 27-04-2023, with the judgement/order operative portion reads as under:-

"Accordingly, the Original Application is disposed of with a direction to Health Services, Jammu (Respondent No. 2 herein) to decide the a pending representation and pass a reasoned and speaking order in ac with law. If a supplementary representation is submitted by the a within a period of three weeks from today, the same shall also be to consideration. Before taking any decision into the matter, the applica also be afforded an opportunity of hearing. The whole exercise undertaken within a period of eight weeks from the date of receipt of copy of this order."

And whereas, the applicants, inter-alia, have contended in th application that they are basic health workers/JHI/MI working respondents and are performing their duties and not availing any holidays and even performing duties in the odd time i.e. at night als per roster and accordingly have claimed that they cannot be c monthly allowance equivalent to 2 ½ days' pay accrued to them in Govt. Order No. 274-HME of 1991, dated 04-03-1991, and,

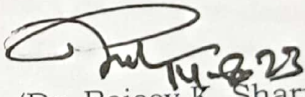
And whereas, in order to comply with Hon'ble Central Adm Tribunal, Jammu's order dated 27-04-2023 with regard to opportunity of hearing to the applicants before taking a decision, t hearing of the applicants was fixed on 09-08-2023 and accordingly



Medical Officer, Surankote was directed vide communique bearing No:- DHSJ/Legal/8294-96, dated 07-08-2023, to ask two representatives of the applicants to attend hearing, besides the Block Medical Officer, Surankote was also directed to attend the hearing, on the fixed date, alongwith record.

And whereas, on the scheduled date of hearing, besides Block Medical Officer, Surnakote, four applicants were also present, and they were heard and the record brought by the Block Medical Officer was also perused. As informed by the Block Medical Officer Surankote as well as, as apparent from the face of record, the applicants were put to roster duty by the DDO i.e. Block Medical Officer, Surankote w.e.f. October, 2022 to June, 2023. Before this, neither there was any record to substantiate that the applicants were put to roster duty before October 2022 and have performed the roster duty nor the applicants could produce any record to this effect.

Now, therefore, in compliance to the judgment/order dated 27-04-2023 passed by the Hon'ble Central Administrative Tribunal, Jammu in the instant Original Application, it is ordered that the Block Medical Officer, Surankote shall disburse 2 ½ days salary in favour of the applicants for the period they were put to roster duty i.e. w.e.f. October, 2022 to June, 2023. Further, the 2 ½ days salary shall be disbursed in favour of only those employees who are put to roster duties with certification of the DDO that the roster has been prepared keeping in view the relevant Govt. Orders issued from time to time. Any deviation while preparing the duty roster and accountability of duty shall be the sole responsibility of DDO concerned.

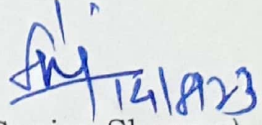

(Dr. Rajeev K. Sharma)
Director Health Services,
Jammu

Dated: - 14 /08/2023

No:-DHSJ/Legal/ 8442-47

Copy to the:-

1. Chief Accounts Officer, Directorate of Health Services, Jammu for information.
2. Chief Medical Officer, Poonch for information and necessary action.
3. Private Secretary to Principal Secretary to Govt., Health and Medical Education Department, Civil Secretariat, Jammu for information of worth: Principal Secretary.
4. Health Education Bureau, Directorate of Health Services, Jammu to upload the order on official website.
5. Establishment Section Es-9.
6. Shoket Ali S/O Late Ali Akbar R/O Sanot Tehsil Surankote, District Poonch (lead applicant) for information.


(Dr. Sanjay Sharma)
Dy. Director (Dentistry)
Health Services, Jammu

subject:- Grant of incentive in favour of Non-gazetted staff of the Health and Medical Education Department.

Government Order No:- 274-HEM of 1991

Dated: 4.3.1991

Sanction is accorded to the grant of monthly allowance equivalent to 24 days pay and allowances (Basic pay, DA and Special Pay) in favour of all those non-gazetted employees of the Health and Medical Education Department, who are ~~working~~ on roster duties in the various Health/Medical Institutions of the State and who do not avail of any off day in the performance of their official duties.

This order shall have immediate effect.

By order of the Government of Jammu & Kashmir.

(H.L. Kadlabju)
Commissioner/Secretary to Govt.,
Health and Medical Education Deptt.

No:- ME-NG-112/88

Dated:- 4.3.1991

Copy for information and necessary action forwarded to:-

1. Chief Secretary;
2. ACS (Finance);
3. Principal Medical College, Srinagar/Jammu;
4. Principal Dental College, Srinagar;
5. Director Health Services, Jammu/Srinagar;
6. Private Secretary to Advisor (H);
7. P.A. to Commr./Secy, HEMD;

Subject:- Grant of Incentive in favour of Non-gazetted staff of the Health and Medical Education Department.

Government Order No:- 274-III of 1991
Dated:- 4.3.1991

Sanction is accorded to the grant of monthly allowance equivalent to 2 1/2 days pay and allowances (Basic pay, DA and Special Pay) in favour of all those non-gazetted employees of the Health and Medical Education Department, who are ~~task~~ on roster duties in the various Health/Medical Institutions of the State and who do not avail of any off day in the performance of their official duties.

This order shall have immediate effect.

By order of the Government of Jammu &

Nas Amir

(H.L.Kadlabju)
Commissioner/Secretary to Govt,
Health and Medical Education Deptt.

No:- ME-NG-112/88

Dated:- 4.3.1991

Copy for information and necessary action forwarded to:-

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2. ACS (Finance),
3. Principal Medical College, Srinagar/Jammu,
4. Principal Dental College, Srinagar,
5. Director Health Services, Jammu/Srinagar,
6. Private Secretary to Advisor (ii),
7. P.A. to Commr./Dy. Commr.

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(37)

Government of Jammu & Kashmir

Health and Medical Education Department

Subject:- Grant of incentive in favour of non-gazetted staff of the Health and Medical Education Department.

Government Order No:- 374-HME of 1991

Dated:- 4.3.1991

Sanction is accorded to the grant of monthly allowance equivalent to 24 days pay and allowances (Basic pay, DA and Special pay) in favour of all those non-gazetted employees of the Health and Medical Education Department, who are to on roster duties in the various Health / Medical Institutions of the State and who do not avail of any off day in the performance of their official duties.

This order shall have immediate effect.

By order of the Government of Jammu & Kashmir.

(H.L Kadlabju)

Commissioner / Secretary to Govt.


Health and Medical Education Deptt.

Dated: 4.3.1991

No:- ME-NG-112/88

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1. Chief Secretary
2. ACS (Finance)
3. Principal Medical College, Srinagar / Jammu
4. Principal Dental College, Srinagar
5. Director Health Services, Jammu / Srinagar
6. Private Secretary to Advisor (H)
7. P.A to Comm. / Secy. HSME
8. Government order file


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ANNEXURE-A3

GOVERNMENT OF JHARKHAND
HEALTH AND MEDICAL EDUCATION DEPARTMENT

Subject: - Grant of incentive in favour of Non-gazetted staff of the Health and Medical Education Department.

CONVINCENDUM TO GOVERNMENT ORDER NO. 274-HE of 1991
DATED, 07-3-1991.

Please read " in lieu of official duties on Sundays and Holidays" instead of " and who do not avail of any off day in the performance of their official duties" appearing in 6th to 8th lines of Government Order No. 274-HE of 1991 dated 4-3-1991.

By order of the Government of Jharkhand and West Bengal.

H. L. Yadlabja

(H. L. Yadlabja)
Comr./ Secretary to Government,
Health and Med. Education Department.

[Signature]

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True Copy...

No. HE-112/88

Dated. 07-3-1991

Copy for information and necessary action forwarded to the:-

- 1- Chief Secretary,
- 2- Adm. Chief Secretary (in charge)
- 3- Principal Medical College, Birsa
- 4- Principal Dental College, Birsa
- 5- Director Health Services, Jharkhand
- 6- Secretary, Jharkhand
- 7- Comr./Secretary, H.E.D.
- 8- Secretary Health, West Bengal
- 9- Chief Secretary, West Bengal

Type Copy of Pg. No. (38)

(39)

GOVT. OF JAMMU AND KASHMIR

HEALTH AND MEDICAL EDUCATION DEPARTMENT

Subject:- Grant of incentive in favour of Non-gazetted staff of the Health and Medical Education Department.

Corrigendum to Government Order No. 274-HME of 19

Dated: 04-03-1991

Please read "in lieu of official duties on Sundays and Holidays" instead of "and who do not avail of any off day in the performance of their official duties" appearing in 6th and 8th lines of Government Order No. 274-HME of 1991 dated 4-3-1991.

By order of the Government of Jammu and Kashmir.

Sd/-

(H.L Kadlabju)

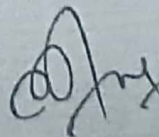
Comm. / Secretary to Government,
Health and Med. Education Department

Dated: 07-3-1991

No. NE-HG-112/88

Copy for information and necessary action forwarded to the:-

1. Chief Secretary
2. Add. Chief Secretary (Finance)
3. Principal Medical College Srinagar / Jammu
4. Principal Dental College, Srinagar
5. Director Health Services, Jammu / Srinagar
6. Private Secretary to Advisor (H)
7. P.A to Comm / Secretary (HME)
8. General Secretary Medical Employment
9. Government Order file


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Document