



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

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Subject:-O.A No. 61/1394/2022 titled Sumeer Jee & Ors Vs UT of J&K & Ors.

ORDER

Whereas, the Hon'ble Central Administrative Tribunal, Jammu Bench has disposed of the above titled case, on 10-10-2022, with the judgment/order whose operative portion is reproduced verbatim as under:-

"I have considered the submissions made by the Ld. Counsels for both the sides and perused the material on record. Without expressing any opinion on the merits of the case, the O.A. is disposed of at admission stage with direction to respondents to treat a copy of this O.A. as representation of the applicants and decide the same, as per relevant rules and other instructions on the subject, by passing a reasoned and speaking order within a period of four weeks from the date of receipt of a certified copy of this Order. A copy of speaking order be communicated to the applicants within one week thereafter."

Whereas, the perusal of contents of O.A has revealed that the applicants by filing the instant O.A. have sought directions to the respondents to provide for the rotation of the petitioners alongwith other migrants on regular basis upon formulating a concrete and transparent guidelines/methodology, so that the stagnation of a migrant posted in a particular health centre is averted, and;

Whereas, the claim projected by the applicants in the O.A. has been examined in light of record and policy on transfer/posting issued by the Government vide Government Order No. 861-GAD of 2010 Dated: 28.07.2010, in reference to Cabinet Decision No. 156/12/2010 Dated 27.7.2010, wherein it has been provided that the minimum tenure of a Government employee on a post shall be two years and a maximum of three years. However, the applicants are migrant employees having their posts in Kashmir Division and their services are being utilized in migrant and other health institutions of Health Department, Jammu Division. Since the applicants are not working against

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sanctioned posts in Jammu Division as such cannot be posted/rotated/ deployed in the Health institutions in Jammu Division, and;

Whereas, on further examination it has come to the fore that due to retirement of substantial number of migrant employees, who were working in the migrant and other health institutions in Jammu, their strength is now reduced so it is not practical to replace the applicants with other migrant employees. Further, as per standing instructions on the deployment of migrants employees, the services of migrant employees are to be utilized in the health institutions in Jammu city nearer to their residence, and;

Whereas, on further examination of the claim of the applicants in light of record, it has come to the fore that out of eight applicants in the instant O.A. three are residing at Jagti Township i.e. Sh. Sumeer jee (Pharmacist), Sh. Chuni Lal (N.O.) and Smt. Girja Kumari (FMPHW) and one employee Sh. Rakesh Kumar Dhar (Pharmacist) is retiring in the month of March, 2023 as such these applicants should not have any difficulty in performing duty at SDH Jagti, which is located nearer to their residence.

Now, therefore, in deference to Hon'ble Central Administrative Tribunal's orders, the instant O.A., which has been treated as representation of the applicants, is accorded consideration in light of relevant rules and other instructions on the subject and found to be devoid of merit, hence rejected.

Sd/-

(Dr. Saleem-Ur-Rehman)
Director Health Services
Jammu

No:-DHSJ/Legal/17258-62
Copy to:-

Dated: - 13/03/2023

1. Secretary to Government, Health and Medical Education Department, Civil Secretariat, Jammu/Srinagar for information.
2. Medical Superintendent, SDH Jagti Nagrota Jammu for information.
3. Incharge Official website, DHS, Jammu to upload the order.
4. Migrant Section, DHS, Jammu.
5. Sh. Sumeer Jee S/O Late Sh. Rugh Nath R/O A/P Block 43, Flat 19, Lane No.9 Jagti Jammu for information.

(Dr. Rajeev K. Sharma)

Dy. Director Health Services (HQ)
Jammu