



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

Near MLA Hostel, Indira 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. No. 61/111/2022 titled Mohd. Hafiez & Ors Vs U.T. of J&K & Ors.

ORDER

Whereas, the applicants, working as Basic Health Workers and Junior Health Inspectors have filed the above Original Application before the Hon'ble Central Administrative Tribunal, Jammu Bench seeking following reliefs:-

- a) Allow the instant original application.
- b) To quash the Order No. DHS/J/Accounts/11212-28, dated 27-12-2021 passed by respondent No. 3.
- c) To direct the respondents to release the 2 ½ days pay in favour of the applicants.
- d) 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.

Whereas, the applicants have challenged the Order/communication No. DHS/J/Accounts/11212-28, dated 27-12-2021 issued by this office by which it has been communicated to all the Chief Medical Officers of Jammu Division that there have been irregularities noticed in drawing salaries of some employees i.e. drawing 2 ½ days pay in favour of the health employees who are not covered under rules to be included in the roster i.e. Dental Assistant and Technician, Ophthalmologist Technician, BHW etc, and;

Whereas, the applicants have contended that their 2 ½ days salary has been stopped by the respondent No. 3 and have stated that vide Govt. Order No:-274-HME of 1991 dated 04-03-1991 sanction was accorded for grant of monthly allowance equivalent to 2 ½ days pay in favour of all those non-gazetted employees of the Health and Medical Education Department who are taken on roster duties in the various health/medical institution of the State, and;

Whereas, the applicants have further stated that they are performing their duties on roster basis and are neither availing any leave nor availing any gazetted holiday. The applicants have made representation to the Chief Medical Officer Rajouri who in turn vide letter No. CMOR/Adm/2021-

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22/8427-29, dated 10-01-2022 has sought directions from the respondent No. 2 (Director Health Services, Jammu), and;

Whereas, the Hon'ble Central Administrative Tribunal, Jammu Bench disposed of the O.A. on 08-02-2022 and Para-3 of the judgment/order reads as under:-

3. *“Looking to the limited prayer made by the learned counsel for the applicants, we dispose of the O.A. with direction to the Director Health Services, Jammu to take a decision on the communication No. CMOR/Adm/2021-22/8427-29, dated 10-01-2021 addressed by Chief Medical Officer, Rajouri and dispose of the same by passing a reasoned and speaking order within a period of six weeks from the date of receipt of a certified copy of this order. A copy of speaking order be given to the applicants.”*

Whereas, the Chief Medical Officer, Rajouri vide letter No:-CMOR/Adm/2021-22/8427-29, dated 10-01-2022, has communicated that by letter No:-DHS/J/Accts/11212-28, dated 27-12-2021 of this Directorate, 2 ½ days pay of Dental Assistants/Technicians, Ophthalmic Technicians, BHWs in Jammu Province has been stopped and further by giving reference of Government Order No. 274-HME of 1991 dated 04-03-1991 read with corrigendum order No. ME-NG-112/88, dated 07-06-1991 and other orders/communications on the subject of 2 ½ days pay, has intimated that clear cut instruction have been served regarding admissibility of monthly allowance equivalent to 2 ½ days pay and allowances in favour of all the non-gazetted employees who are on roster duty in various Health/Medical institutions and has further informed that the office is drawing 2 ½ days pay and allowances in favour of those non gazetted employees who are on roster duty on gazetted holidays and Sunday and has sought further directions, and;

Whereas, in reference to the letter of Chief Medical Officer, Rajouri dated 10-01-2022, this Directorate vide letter No:-DHSJ/J/Accts/12717-12803, dated 17-02-2022 has clarified that the 2 ½ days salary shall be disbursed in favour of 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, and;

Whereas, it is clarified that this office's letter No:-DHS/J/Accts/11212-288, dated 27-12-2021, nowhere mentions the stoppage of 2 ½ days salary of employees who are put to roster duties, and;

Now, therefore, in compliance to the judgment/order dated 08-02-2022 passed by the Hon'ble Central Administrative Tribunal, Jammu in the instant Original Application, it is ordered that the Chief Medical Officer, Rajouri shall disburse 2 ½ days salary in favour of those employees who are put to roster duties with certification of the DDO that the roster has been