



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

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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:-

- 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.

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 applicants pending representation and pass a reasoned and speaking order in accordance with law. If a supplementary representation is submitted by the applicants 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."

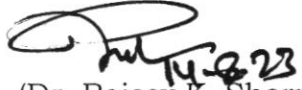
And whereas, the applicants, inter-alia, have contended in the original application that they are basic health workers/JHI/MI working with the respondents and are performing their duties and not availing any gazetted holidays and even performing duties in the odd time i.e. at night also even as per roster and accordingly have claimed that they cannot be denied the 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 Block

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.

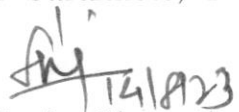

(Dr. Rajeev K. Sharma)
Director Health Services,
Jammu

No;-DHSJ/Legal/8442-47

Dated: - 14 /08/2023

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 worthy 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



