

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

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Subject:-O.A. No. 61/05/2023 titled Mohd. Sharief Vs U.T. of J&K & Ors.

ORDER

Whereas, the Hon'ble CAT Jammu Bench has disposed of the above titled case, on 05-01-2023, with the judgment/order whose operative portion reads as under:-

"Accordingly, the Original Application is disposed of with a direction to Director Health Services, Jammu to decide the applicant's pending representation (Annexure A-5) and pass a reasoned and speaking order in accordance with law. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of six weeks from the date of receipt of certified copy of this order."

And whereas, the applicant in his representation has stated that he was promoted as BHW vide Order No. 539-NG of 2009, dated 04-07-2009 and joined on 09-07-2009. He has filed a writ petition in the Hon'ble High Court bearing SWP No. 1833/2018 for appointing the applicant as Junior Health Inspector against an available vacancy in Block Manjakot which was later on withdrawn as he was adjusted as JHI on the recommendations of CMO Rajouri made vide endorsement No:-CMO/R/2018-19 and Director Health Services Order No:-Es-9/6202, dated 11-08-2018 in OPG basis. He has claimed that he is performing the duties of JHI w.e.f. 11-08-2018 and the department, on the recommendations of DDPC, has promoted the applicant as JHI w.e.f. 01-08-2022 vide Order No:-268 NG of 2022, dated 20-08-2022. The applicant has contended that he is performing his duties as JHI from 11-08-2018 but has been confirmed w.e.f. 01-08-2022 and through this representation has requested to consider his representation to give him the effect of promotion as JHI w.e.f. 11-08-2018.

And whereas, in order to decide the pending representation of the applicant and before taking a decision to afford an opportunity of hearing to the applicant, as directed by the Hon'ble Tribunal, Sh. Mohd Shrief, Junior Health Inspector, was asked, through Chief Medical Officer, Rajouri vide letter No:-DHSJ/Legal/7864-65, dated 01-08-2023, to attend the hearing fixed on 03-08-2023.

And whereas, the applicant was heard and he repeatedly insisted to give the benefit of seniority only, without any notional or monetary benefits, from the date of his adjustment/promotion as Junior Health Inspector in OPG basis i.e. w.e.f. 11-08-2018 as he is working continuously on the said post from 11-08-2018 till date.

And whereas, after hearing the applicant, it was decided to place the case in the ensuing DPC for its consideration regarding extension of benefit of seniority only to the applicant in the category of Junior Health Inspector from the date he was adjusted as Junior Health Inspector in OPG basis i.e. 11-08-2018.

And whereas, the case of the applicant was reviewed by the Divisional Departmental Promotion Committee's meeting held on 08-08-2023 and after

threadbare discussions, the members of the DDPC unanimously recommended that the benefit of promotion shall be granted in favour of Sh. Mohd. Sharief from the date of his OPG promotion instead of prospective as the official was promoted on OPG basis on 11-08-2018 only for seniority purpose subject to the condition that the petitioner was placed as Junior Health Inspector in OPG in accordance to the rules in vogue and seniority. The petitioner shall give an undertaking in the shape of an affidavit from 1st Class Magistrate that he is not claiming any monetarily benefit from the date of OPG.

And whereas, though Sh. Mohd. Sharief was adjusted as JHI on 11-08-2018 on the recommendations of the then Chief Medical Officer, Rajouri bypassing the seniority yet all the six incumbents senior to Sh. Mohd. Sharief have furnished undertakings on affidavit duly attested stating therein that they do not have any objection if now Mr. Mohd. Sharief is given the benefit of seniority in the category of JHI w.e.f. 11-08-2018 and they shall not claim any benefits on the analogy of Mr. Mohd. Sharief, Junior Health Inspector.

And whereas, Sh. Mohd Sharief Junior Health Inspector Block Rajouri has also furnished an undertaking to the effect that he will not claim any monetarily and notional benefits from the date of his OPG promotion as JHI i.e. w.e.f. 11-08-2018.

Now, therefore, following the recommendations of the Divisional Departmental Promotion Committee and satisfying the imposed stipulations of the DDPC, Sh. Mohd. Sharief, Junior Health Inspector, Block Rajouri is extended the benefit of seniority **only** as Junior Health Inspector w.e.f. 11-08-2018 without any other kind of consequential benefits whether monetarily or notionally.

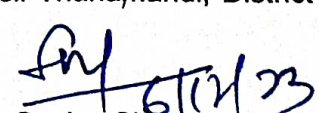
Sd/-
(Dr. Rajeev K. Sharma)
Director Health Services,
Jammu

No:-DHSJ/ 12242-46

Dated: - 06/12/2023

Copy to the: -

1. Chief Medical Officer, Rajouri for information.
2. Private Secretary to Secretary to Govt., Health and Medical Education Department, Civil Secretariat, Jammu for information of worthy Secretary.
3. Health Education Bureau, Directorate of Health Services, Jammu to upload the order on official website.
4. Incharge Legal Cell for information.
5. Mohd Sharief S/O Mohd. Dia R/O Village Dodaan, Tehsil Thanamandi, District Rajouri for information.


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

