

Government of Jammu & Kashmir
Directorate of Health Services Kashmir
Old Secretariat Srinagar
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Subject: SWP No. 106/201 titled Javid Ahmad Bhat & Ors V/S State of J & K & others.

Reference: Consideration of claims of petitioners in compliance to the Court Order Dated: 02.02.2017, passed by the Hon'ble High Court of J & K Srinagar in aforementioned matter

O R D E R

Whereas, one Javid Ahmad Bhat S/O Abdul Gani Bhat R/O Wadoora Sopore Baramulla Kashmir alongwith 14 others approached the Hon'ble High Court of J & K Srinagar through the medium of instant writ petition seeking therein the directions upon respondents to treat the petitioners as In-service from 23.04.1992 and to count their seniority from the said date, and to grant all the service benefits as applicable to the post of Junior Pharmacist.

Whereas, the above titled writ petition came to be disposed off by the Hon'ble High Court J & K Srinagar at its threshold vide Order and judgement Dated: 02.02.2017, with the following directions, operative portion of which is reproduced herein below:

"Writ petition is disposed of with a direction to Respondent No. 2 namely Director Health Services Kashmir to treat this writ petition as a representation and to decide the same by a speaking order within a period of two months from the date of receipt of certified copy of the order passed today."

Whereas, in pursuance of directions contained in the aforesaid judgement, the case of the petitioners was examined on the basis of available records and it has been observed as under:

- III. The petitioners (trained medical assistants) had responded to Advertisement Notification No. 05 of 1991 Dated: 08.07.1991 of the J & K SSRB for the post of Medical Assistants, Divisional Cadre Kashmir whereunder 65 posts of cadre were notified by the said recruiting agency,
- IV. The said selecting agency after concluding the selection process forwarded the list of 200 candidates whose candidature was recommended for the post of Medical Assistants (now called as Junior Pharmacists) to the Administrative Department. The selection of 200 candidates for the aforesaid post was made by the J & K SSRB on the basis of requisition forwarded by this Directorate in two spells for 65 and 135 posts, although only 65 posts were notified.

Whereas, the selection list of 200 candidates was subsequently forwarded by the Administrative Department to Directorate of Health Services

Kashmir for issuance of formal appointment orders in their favour but due to pending litigations on the subject matter in the Hon'ble High Court of J & K Srinagar, the formal appointment orders were issued by this office during the year 1993 onwards.

Whereas, the petitioners in above titled writ petition were not selected by the recruiting agency and ultimately they alongwith others sought the intervention of Hon'ble High Court Srinagar in a bunch of writ petitions which came to be disposed off through various orders.

Whereas, the State Government assailed these orders/judgements before the Division Bench of Hon'ble High Court Srinagar under different LPAs which were finally dismissed by the Hon'ble High Court Srinagar.

Whereas, consequent upon dismissal of LPAs by the Hon'ble High Court of J & K Srinagar, the claim of the petitioners alongwith the similarly situated candidates was considered by the Administrative Department H & ME and accordingly they were offered appointments in the department to the post of Junior Pharmacist against available vacancies vide Govt Order No. 09-HME of 2016 Dated: 06-01-2016 in the relevant pay scale on prospective basis under new pensionable scheme read with SRO 400 of 2009 Dated:-24.12.2009.

Now, therefore, in compliance to orders passed by the Hon'ble High Court Srinagar vide judgement Dated: 02.02.2017, the claim of the petitioners for extending the benefit of services from 24.04.1992 being devoid of merit and not permissible under rules, devoid of merits is accordingly rejected and disallowed.

Sd/-

Director Health Services
Kashmir

No: Est-II/NG/Sel/Jr Phar/Bla/595/1634-40

Dated: 11.09.2017

Copy for information and necessary action to the:

1. Ld Additional Advocate General, High Court of J & K at Srinagar
2. Chief Medical Officer _____
3. Section Officer DHSK
4. PA to DHSK for kind info. Of Director
5. Concerned.
6. Incharge Website Barazulla Srinagar.
7. Office records

By Director Health Services
(HQ) Kashmir