



GOVERNMENT MEDICAL COLLEGE, SRINAGAR

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Subject: Engagement of Dr. Shazia Kousar, (In-Service candidate), Registrar, in the Department of Psychiatry, Government Medical College, Srinagar.

OFFICE ORDER No: 292-RA of 2022.

DATED: 28 -07-2022.

Whereas; vide this office Advertisement Notice issued under No. 06 of 2021 Dated 05-07-2021 applications were invited for filling up of the tenure posts of Registrars/Demonstrators (in Service/not in service doctors) possessing requisite qualification in the various disciplines of Government Medical College, Srinagar; and

Whereas; vide this Office Interview Notice No. AR/MC/R/D/Adv/2166-67/MC Dated. 08-11-2021, the interview was scheduled on 15th November 2021 for the tenure posts of Registrar/Demonstrator for the various departments, Psychiatry was one of the department; and

Whereas; Dr. Shazia Kousar submitted an advance copy of application form in the office of Principal/Dean, Government Medical College, Srinagar; and

Whereas; being an In-service candidate she was supposed to annex No Objection Certificate from her Parent Department, which the aforesaid doctor failed to do. As such the advance copy of the application form of the said doctor was rejected; and

Whereas; the said doctor, Dr. Shazia Kousar (an In-service candidate) filed a writ petition in the Hon'ble Central Administrative Tribunal, Srinagar through the medium of M.A. No. 1828/2021 with O.A./62/1701/2021 Dated. 12-11-2021 and the Hon'ble High Court was pleased to pass the orders, which are reproduced as under: -

"we direct the respondents to permit the applicant to provisionally appear in the interview for the post of Registrar (Psychiatry) advertised by Respondent No. 3 vide advertisement notice dated. 05-07-2021 at her own risk and cost. However, her result would be kept in a sealed cover and would be opened only by order of this Tribunal"

Whereas; on the above directions of the Hon'ble Central Administrative Tribunal, Srinagar form of the petitioner was entertained and was subsequently allowed to appear in the interview; and

Whereas; after interview petitioner merit was kept in a sealed cover for further necessary action; and

Whereas; Hon'ble Central Administrative Tribunal, Srinagar passed the direction on 08.12.2022 which reproduced as under: -

"Learned counsel for the applicant has moved an application vide Diary No. 12125/2021 (MA), praying therein to place the result kept in the sealed cover to be placed before this Tribunal on the next date of hearing.

Respondents are accordingly directed to do the needful before the next date of hearing i.e. 21-12-2021"

Whereas, result was submitted to Hon'ble Central Administrative Tribunal, Srinagar vide this Office letter No. RA-MC/Legal/2595 Dated. 20-12-2021; and

Whereas; Hon'ble Central Administrative Tribunal, Srinagar passed the direction on 24.12.2021 which reproduced as under: -

"the applicant, Dr. Shazia Kounsar through this M.A., seeks a direction from this Tribunal to pursue her Registrarship course in the Department of Psychiatry at GMC, Srinagar and prays that she may not be relieved on 31st December, 2021 keeping in view the respondents order dated. 15-12-2021

The applicant has averred in her application that the Government has issued an order on 15-12-2021 directing certain doctors including the applicant who have completed their tenure posting in the year 2021, to be relieved by 31st of December, 2021"

It was brought to our notice that in this case, the Tribunal, vide its order dated. 08-12-2021, has directed to respondents to keep the result of the selection for undertaking the aforementioned Registrarship in a sealed cover and the matter was posted on 21-12-2021. After opening the sealed cover produced by the learned counsel for the respondents on 21-12-2021 the applicant was found to be at Sl. No. 02 and was reported to have qualified for undertaking the Registrarship course. The learned counsel for the applicant states that the applicant is therefore eligible to undertake the

Registrarship course; hence the prayer for the interim injunction as stated above.

Heard the learned counsels for the parties. Given the position detailed above and based entirely on considerations of balance of convenience, it is directed that while the respondents file their reply to the OA within two weeks, their order dated. 15-12-2021 (Annex. V), shall remain stayed vis-à-vis the applicant who shall not be relieved on 31st December, 2021 from the place of her present placement till after the next date of hearing.

The M.A. is thus disposed of. The respondents are directed to file their detailed reply to the OA also with an advance copy to the learned counsel for applicant."

Whereas; Hon'ble Central Administrative Tribunal, Srinagar passed one more direction on 31.03.2022 which reproduced as under: -

"Learned counsel for the applicant submits that the order dated. 14.03.2022 has been passed in violation of the order dated. 24-12-2021.

As an interim measure, the respondents are directed to continue the applicant as Registrar Psychiatry in terms of the order passed by this Tribunal dated. 24-12-2021."

Whereas; vide this Office Notification No. 05-RA of 2022 Dated. 19-04-2022 which reproduced as under: -

"Dr. Shazia Kousar approached to the Hon'ble Central Administrative Tribunal, Srinagar and Hon'ble Central Administrative Tribunal, Srinagar has passed the order, the operative portion of order by Hon'ble Central Administrative Tribunal, Srinagar Dated. 31-03-2022 Titled Dr. Shazia Kousar Vs D/o Health and medical Education UT of Jammu and Kashmir, which reproduced as under: -

"As an interim measure, the respondents are directed to continue the applicant as Registrar Psychiatry in terms of the order passed by this Tribunal dated. 21-12-2021"

As the candidate has been selected by the Selection Committee pending her NOC from her parent department, pursuant to Hon'ble Central Administrative Tribunal, Srinagar, Dr. Shazia Kousar is being selected for the post of Registrar in the Department of Psychiatry which has already appraised to the Hon'ble Central Administrative Tribunal, Srinagar vide this office letter No. RA-MC/Legal/2595 Dated. 20-12-2021.

Now, in the background of the above as per instructions laid down in the General administration Department's Order No. 528-JK(GAD) of 2021 Dated. 21-06-2021 read with 1003-JK(GAD) of 2021 Dated. 27-09-2021 that Character & Antecedents of Selectees) are to be verified by the Criminal Investigation Department before issuance of formal engagement order by the competent authority of Government Medical College, Srinagar. Hence, the aforesaid doctor is advised to report to the Office of the Registrar Academics, Government Medical College, Srinagar within (07) days, during working hours, from the date of issuance of this notification for submission of forms (in triplicate) for Verification of Character and Antecedents."

Whereas; vide this Office communication No. RA-MC/R/CID/380/MC Dated. 18-05-2022, a letter alongwith verification rolls in triplicate has been sent to the Criminal Investigation Department to verify her Character and Antecedents under rules; and

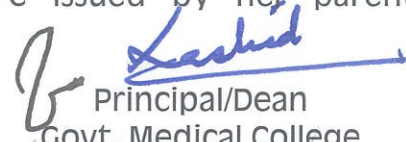
Whereas; this office has received Character & Antecedents report from Criminal Investigation Department vide their letter NO. CID/VB/2022/FINAL/29566-578/HLT Dated. 23-07-2022.

Now, in the background of the above and on the directions of Hon'ble High Court and pursuant to the recommendations of Selection Committee which met on 15th November 2021 and verified the character and antecedents from Criminal Investigation Department (CID), Dr. Shazia Kousar, an In-service candidate, who has applied for the post of Registrar in the Department of Psychiatry, Government Medical Srinagar is provisionally engaged as Registrar, initially for a period of one year which is extendable upto (03) years on basis of good performance to be certified by the concerned HOD.

The appointment of the above doctor is further subject to the following terms and conditions:-

1. Before joining the Department the selected candidate shall submit an affidavit in the office of the Registrar Academics, Government Medical College, Srinagar, duly attested by the Judicial Magistrate/first class Magistrate to the effect that: -
 - a. she will not participate in any kind of strike during the period of her tenure engagement. In the event she proceeded on strike, her tenure engagement shall be terminated without any notice as this service is covered under ESMA Act.
 - b. she shall remain disciplined during the tenure period, any kind of misconduct make her liable for termination without any prior notice.

- c. she is not involved in any criminal activity or there is no FIR pending or registered in any criminal department or police station against her.
 - a. she shall not claim any experience certificate in case she leaves Registrarship before completion of first year.
 - d. she will not indulge herself in any private practice. In case she is found doing private practice her appointment shall be terminated without any notice.
2. The appointee is required to join within (21) days from the date of issuance of this order failing which the order shall be deemed to have cancelled. The selected candidate is supposed to submit her joining report in the office of the Registrar Academics, Government Medical College, Srinagar before she will be directed to report to the concerned Department.
 3. The appointee shall be paid as per the LPC issued by her parent department


Principal/Dean
Govt. Medical College
Srinagar
Dated. 28-07-2022

No: GMCS-RA/R/Psy/1630 - 42/MC
Copy to the: -

1. Director Health Services Kashmir for information.
2. Joint Director, Information Department, Srinagar for information with the request to kindly publish the notice in two leading Newspapers.
3. HOD Psychiatry, Government Medical College, Srinagar for information.
4. Chief Accounts Officer, Government Medical College, Srinagar for information.
5. Legal Section, Government Medical College, Srinagar for appraisal of Hon'ble Central Administrative Tribunal, Srinagar.
6. In-charge IT Department, Government Medical College, Srinagar with the directions to upload the order on official website.