



## **Central Administrative Tribunal Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.89/2020

Thursday, this the 25<sup>th</sup> day of June, 2020

**Hon'ble Dr. Bhagwan Sahai, Member (A)  
Hon'ble Mr. Rakesh Sagar Jain, Member (J)**

Dr. Aejaaz Ahmad Itoo (aged 35 years)  
s/o Gulam Ahmad Itoo  
r/o Khoshipora Dooru Anantnag

(Mr. Mudasir Bin Hassan, Advocate)

..Applicant

Versus

1. Union Territory of J & K through  
Commissioner cum Secretary to  
Govt. Health & Medical Education Department  
Civil Secretariat, Srinagar/Jammu
2. Director Health Services, Kashmir Division, Srinagar
3. Chief Medical Officer Anantnag
4. Block Medical Officer Saller, Anantnag

(Mr. Rajesh Thapa, Deputy Advocate General) ..Respondents

### **O R D E R (ORAL)**

**Dr. Bhagwan Sahai, Member (A):**

Dr. Aejaaz Ahmad Itoo s/o Mr. Gulam Ahmad Itoo has filed this O.A. under Section 19 of Administrative Tribunals Act, 1985, on 24.06.2020 seeking direction to respondents Nos. 1 & 2 to relieve him to join DNB-PDCET - 2020 course in Paediatrics at Venkateshwar Hospital, Dwarka, New Delhi, for

which he has been selected, and to release his service benefits during the period for completion of DNB Paediatric (Broad Speciality) course.

2. We have heard today Mr. Mudasir Bin Hassan, applicant's counsel and Mr. Rajesh Thapa, DAG for respondents.
3. Registry to allot O.A. number to this case.
4. In the O.A. and during arguments of his counsel, the applicant's main contention is that:
  - (i) he is serving as Medical Officer in Department of Health & Medical Education, Government of Jammu & Kashmir as per Government Order dated 29.05.2018. Based on merit in the DNB-PDCET – 2020 admission list, he has been allotted a seat for super speciality course in Paediatrics at Venkateshwar Hospital, Dwarka, New Delhi, for which he had also submitted an application on 10.06.2020 for grant of study leave from 03.07.2020 and to join that course, he now has to be relieved, but his application has yet not been decided by the respondents;
  - (ii) in terms of Government Order dated 25.04.2008, the period of undergoing post graduation has been treated as probation in favour of Medical Officers, who were undergoing such course, and accordingly, he is also entitled for the study leave and relief from his present duties to join the course; and

(iii) in the past, several Medical Officers have been permitted to join such course, after his appointment by order dated 29.05.2018, he has completed his probation of two years, and, therefore, he is entitled for grant of study leave for pursuing the DNB-PDCET – 2020 course.

5. We have heard both the counsels and perused the case record.

6. After making his submissions, the applicant's counsel submits that the applicant would be satisfied if the O.A. is disposed of at this stage with a direction to the respondents to decide his pending representation dated 10.06.2020, submitted to Director, Health Services, Kashmir Division, Srinagar (respondent No.2). Respondents' counsel has no objection to such disposal of the O.A.

7. In view of the above submissions, the O.A. is disposed of at admission stage itself with a direction to the respondents to quickly decide the pending representation of the applicant dated 10.06.2020 by passing a well-reasoned and speaking order, latest by **01.07.2020**, and thereafter communicate that order to the applicant immediately. No costs.

**( Rakesh Sagar Jain )**  
**Member (J)**

June 25, 2020  
/sunil/

**( Dr. Bhagwan Sahai )**  
**Member (A)**