

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A./61/964, 965 & 967/2020

This the 20th day of November, 2020

**HON'BLE MR. JUSTICE L. NARASIMHA REDDY, CHAIRMAN
HON'BLE MR. A.K. BISHNOI, MEMBER (A)**

Dr. Yusra Mushtaq Shah, Aged 31 years, D/o Mushtaq Ahmed Shah, R/o Ellahi Bagh Buchpora, Srinagar.	...Applicant in OA.964/20
Dr.Zeenat-U-Nisa	...Applicant in OA.965/20
Dr.Niyaz Ali	...Applicant in OA.967/20

(Advocate: Mr. Mudasir Bin Hassan)

Versus

1. The Union Territory of Jammu and Kashmir, through its Commissioner cum Secretary to Government, Health and Medical Education Department, Civil Secretariat, Jammu/Srinagar (180001).
2. The Director, Health Services, Kashmir Division, Srinagar (Kashmir) (190001).
3. The Director SKIMS, Medical Institute Soura Srinagar, Kashmir (190011)

...Respondents in all OAs

(Advocate:- Mr. Rajesh Thappa, Deputy Advocate General)



O R D E R
[O R A L]

Justice L. Narasimha Reddy, Chairman : -

In these three OAs, the applicants challenged the action of the respondents in not relieving them for the purpose of joining in the Registrarship in the Medical College. It is stated that though they have been selected for the Registrarship in the Medical College, but the respondents are refused to relieving them. The respondents filed a detailed reply affidavit stating that a comprehensive policy Has been framed on 25.07.2019 in the context of permitting the Medical Officers to pursue further education and that the applicants did not follow the same, when they applied for the Registrarship.

2. We heard the arguments of Sh.Mudasir Bin Hassan, learned counsel for the applicants and Sh.Rajesh Thappa, learned counsel for the respondents at some length.

3. From a perusal of the policy framed by the Government, it is evident that there is a clear prohibition for any Government Medical Officer, against applying for Post Graduation, Registrarship, etc., directly, on their own accord. In this OA, the

applicant did not challenge the policy contained in the circular dated 27.05.2019. When the same is pointed out, learned counsel for the applicant sought permission to withdraw the OAs without prejudice to file fresh OAs. Permission is accorded.

4. The OA are dismissed as withdrawn. It is left open to the applicants to pursue the remedies in accordance with law. There shall be no order as to costs.

(A.K. BISHNOI)
MEMBER (A)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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