

Government of Jammu & Kashmir
Directorate of Indian Systems of Medicine
Jammu & Kashmir
(Bemina Srinagar/Indra Chowk Jammu)

Subject: -Representation of Mr SanjeevKumar Nursing Orderly,ISM presently posted at Dispensary Krimchi (District Udhampur) - seeking settlement of seniority in District cadre Jammu instead of District cadre Udhampur.

O R D E R No:-12 - of 2021-

D A T E D :- 09 -04 -2021

Whereas Sh Sanjeev Kumar S/O Late Kaka Ram R/O Nagrota Tajoor Teh. Ramnagar , (District Udhampur) working as Nursing Orderly and presently posted as Nursing Orderly at ADMO Office Udhampur has made representation claiming his seniority in District Jammu on the plea that he was transferred to District Udhampur two decades back but his lien and seniority lie in Jammu District on the analogy of a similarly situated candidates from District Doda who is working in District Jammu but his lien and seniority have been kept in District Doda ;

whereas , the representation of Sh.Sanjeev Kumar has been examined in the Directorate in the light of the record and relevant rules ;

Whereas Sh Sanjeev Kumar Nursing Orderly hailing from District Udhampur was temporarily appointed as Nursing Orderly under SRO 43 (on Compassionate basis) against an available post of class -IV in the office of Assistant District Medical Officer Jammu vide Director ,ISM order NO. DISM/J/G-46 /174-77 dated 18-04-1994 and joined on 18-04-1994;

Whereas subsequently afore-said Nursing orderly was transferred to his home District (District Udhampur)vide Director , ISM Order NO. DISM/CJ/41-43 dated 17-05-1995;

Whereas the transfer order is silent on lien and seniority of the representee;

Whereas Department has issued Tentative district -wise seniority lists of Orderlies/Class IV / Nursing orderlies for objections, vide notification No.DISM /ESst/Seniority/8115-20 dated 23-10-2020 but no objection was received from any official and accordingly final seniority list was issued vide this office Notification No.DISM/TS/PH/K/2020/9844-9904 dated 10-12-2020,which was displayed on departmental website www.jkdism.com ; and



Whereas after issuance of final seniority list of orderlies/ClassIV / Nursing orderlies) this office has received representation from Mr. Sh Sanjeev Kumar S/O Late Kaka Ram R/O Nagrota Tajor Teh. Ramnagar , (District Udhampur) working as Nursing Orderly and presently posted at ADMO Office Udhampur who has made representation claiming his seniority in District Jammu on the plea that he was transferred to District Udhampur two decades back but his lien and seniority lie in Jammu District on the analogy of a similarly situated candidates from District Doda who is working in District Jammu but lien and seniority have been kept in District Doda;and

Whereas as per the record available the transfer of the representee has been made in the year 1995 and transfer order is silent with regard to lien and seniority of the official; and

Whereas as per Article 21 of JK-CSR lien means the title of Govt servant to hold substantively either immediately or on the termination of a period of absence ,a permanent post ,including a tenure post ,to which he has been appointed substantively;

Whereas as per Art 37 -C of JK-CSR unless a lien of govt. Employees was not suspended under Art 37 -C of JK-CSR a Govt servant holding substantively a permanent post retains a lien on that post;

Whereas the representee was transferred to District Udhampur in 1995 , much earlier to circular No. 48-GAD of 2009 dated: 23-11-2009 and SRO No. 343 of 2004; and

Whereas the representee was not satisfied on his seniority in District Udhampur and has been representing from time to time seeking seniority in District Jammu instead of district Udhampur on the plea that his lien has never been shifted to District Udhampur; and

Whereas the cadre cannot be changed as per standing rules/Govt instructions ,however, the instant case is not of cadre change but the representee seeks placement in his own cadre in which he was appointed by rectifying the error as alleged;

Whereas the representee has sought analogy with Ms.Neelam kumari who is posted in District Jammu but lien /seniority /promotion prospectus of her are lying in DisttDoda;and

Whereas as per the record the transfer order from Jammu to Udhampur does not mention anything about the lien, seniority and promotion of representee, as such, his claim of placement in the seniority list of District cadre Jammu at appropriate place by rectifying the standing seniority list seems justified and merits consideration.



Now therefore;

I .the seniority position of Mr Sanjeev Kumar Nursing orderly has been rectified to the final seniority list of Class Iv/ Nursing orderlies/ orderlies issued vide this office Notification No ,DISM/TS/PH/K/2020/9844-9904 dated 10-12-2020, and is placed/ Figured at Sr. No 03" A" at above the seniority position of Sh. Chuni Lal Sr. No 04 and below in the Seniority list of Sh. Jeet Raj Sr. No 02 Nursing orderly in the Seniority list of District cadre Jammu instead of District cadre Udhampur ;

ii.If any body having any objections or he/she is not satisfied with the position assigned to him/her in the seniority list , he /she may file representation/objections, if any, with documentary proof in this Directorate within a period of 7 days from the date of issuance of this order .After the expiry of specified period no representation/objections shall be entertained.


(Dr. Mohan Singh)
Director

Indian systems of Medicine
J&K, Jammu


12/4

NO:-DISM/303-06

Dated: 09 -04-2021.

Copy to the:-

1. Financial commissioner , health and Medical Edu. Department for kind information.
2. Joint Director Information J&K Jammu with the request to kindly publish the seniority list in two leading dailies of jammu for wider publicity.
3. Deputy director ISM Jammu for information.
4. Assistant district Medical officer Jammu/Udhampur for information.
5. I/C website Directorate of ISM J&K Jammu for information with the directions to upload it in Department website.