



Government of Jammu and Kashmir
Health & Medical Education Department
Civil Secretariat, Srinagar/Jammu.

Subject:- Termination of services in respect of Dr. Mohammad Azhar-ud-Din,
Medical Officer (MD Pediatrics).

Government order No. 687-JK (HME) 2026
Dated:- 11 .09.2026

Whereas, the Director, Health Services, Kashmir, vide communication dated 28.12.2024, submitted that Dr. Mohammad Azhar-ud-Din, Medical Officer (MD Pediatrics), while posted at CHC Rajpora, proceeded to join the DM (Neonatology) course at LTM Medical College & Sion Hospital, Mumbai, with effect from 06.01.2024 without obtaining prior permission or sanction of leave from the competent authority; and

Whereas, the instructions governing to pursue higher studies by in-service doctors, issued vide Government Order No. 905-HME of 2019 dated 17.10.2019, read with Circular No. 03-HME of 2019 dated 27.05.2019 and Circular No. 18- HME of 2020 dated 29.12.2020, require prior permission of the competent authority in accordance with the prescribed policy; and

Whereas, although the doctor had applied for permission through the proper channel, he proceeded to join the aforesaid course without awaiting a decision on his application. His request was subsequently rejected by the Administrative Department vide communication No. HD- Gaz0Gen/929/2023-02 dated 14.03.2024, as he did not fulfil the prescribed eligibility conditions. However, still the doctor concerned continued to pursue the course and did not resume his duties at his place of posting; and

Whereas, a show-cause notice vide No. HD- Gaz0Gen/610/2024-02 dated 24.03.2025 was issued to the Dr. Azhar-ud-Din, calling upon him to explain his unauthorised absence and directing him to report back to his place of posting; and

Whereas, the officer did not resume his duties, whereupon a final notice bearing No. HD-Gaz0Gen/610/2024-02 dated 05.03.2026 was issued, affording him a further opportunity to resume duties and informing him that failure to do so would entail action under Article 128 of the Jammu and

Kashmir Civil Service Regulations, 1956, which also involves loss of appointment; and

Whereas, in his reply the officer submitted that he had applied through the proper channel, was short of only a few days in completing the prescribed five (05) years of service and had proceeded on the understanding that permission would eventually be granted. He further submitted that acquisition of the DM qualification would benefit the health sector in Jammu and Kashmir and requested that his absence be regularized as Study Leave, Extraordinary Leave or any other admissible leave. He also indicated that he would rejoin Government service after completion of the course; and

Whereas, the reply has been examined with reference to the record and the applicable Government instructions. Applying through the proper channel did not amount to permission to join the course or sanction of leave. The doctor was required to obtain approval before leaving his place of posting and his expectation of receiving permission subsequently did not justify his absence; and

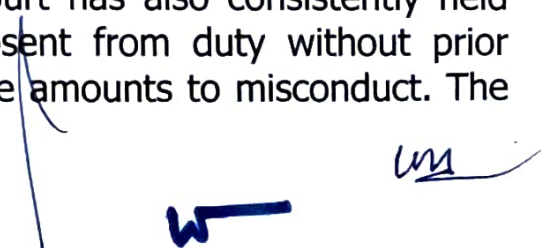
Whereas, the plea regarding the marginal shortfall in the prescribed service period does not, by itself, establish eligibility or confer a right to relaxation. The doctor's request had already been rejected on eligibility grounds and his representation does not disclose any fresh material warranting reversal of that decision; and

Whereas, the stated benefit of acquiring a higher qualification and the intention to rejoin after completion of the course have also been considered. These grounds do not satisfactorily explain the doctor's continued absence following rejection of his request and the subsequent notices directing him to resume duties. Pursuit of the course remained subject to the prescribed permission and leave requirements; and

Whereas, the following Relevant rules clearly establish the misconduct:

1. Rule 13 of J&K Civil Services Leave Rules, 1979:
Willful absence from duty renders a government servant liable to disciplinary action.
2. Article 128, J&K CSR Vol-I: Absence without leave or beyond sanctioned leave entails loss of appointment.
3. GAD Circular No. 37-JK(GAD) of 2020: Proceeding on study leave without prior approval mandates initiation of disciplinary proceedings.

Whereas, the Hon'ble Supreme Court has also consistently held that a Government servant cannot remain absent from duty without prior sanction of leave and that unauthorized absence amounts to misconduct. The



Courts have further held that discipline in public service, particularly in essential services such as healthcare, must be maintained in the larger public interest. The Hon'ble Courts have also observed that sympathy or personal hardship cannot override statutory rules or justify violation of service discipline. Whereas, the record establishes that the doctor has remained absent from Government duty without sanctioned leave with effect from 06.01.2024 and has not resumed duties despite the aforesaid opportunities. His reply does not dispute the absence or establish that permission or leave had been sanctioned for the period in question; and

Whereas, the Legal Section of this department has also opined that unauthorised absence of the doctor, despite repeated opportunities, attracts the provisions of Article 128 of the Jammu and Kashmir Civil Service Regulations, 1956; and

Whereas, the competent authority, upon consideration of the material on record, the notices issued, the explanation submitted by the doctor and the aforesaid legal opinion, has found the explanation unsatisfactory and concluded that action under Article 128 of the Jammu and Kashmir Civil Service Regulations, 1956 is warranted on account of his continued absence without sanctioned leave and proper permission;

Now therefore, in view of the established factual position, and in terms of the statutory provisions contained in Article 128 of the J&K Civil Service Regulations (Vol-I), the services of Dr Mohammad Azhar-Ud-Din Medical Officer (MD Pediatrics) CHC Rajpora, is hereby terminated with effect from 06.01.2024, on grounds of willful and continuous unauthorized absence from duty, amounting to abandonment of Government service.

By order of the Government of Jammu and Kashmir.

Sd/-

(M. Raju) IAS

Commissioner/ Secretary to Government

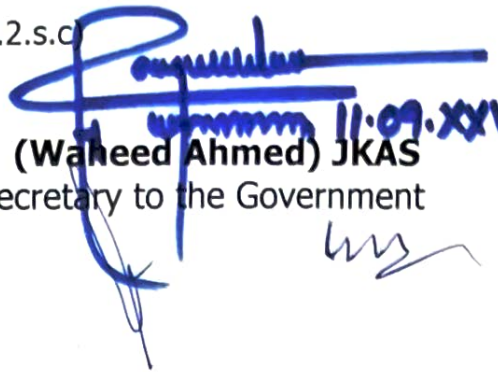
NO:-HD-Gaz0Gen/610/2024-02

Dated:- 11 -09-2026

Copy to the:-

1. Additional Chief Secretary to the Hon'ble Chief Minister, J&K.
2. Principal Secretary, to the Hon'ble Lieutenant Governor, J&K.
3. Joint Secretary (JKL), Ministry of Home Affairs, Government of India.
4. Director, Archives, Archaeology and Museum, J&K.
5. OSD with Hon'ble Minister for Health and Medical Education Department.
6. Director, Health Services, Kashmir for information.
7. Additional Secretary (Law), H&ME Department.
8. Private Secretary to Commissioner/Secretary to the Government, Health and Medical Education Department.

9. Concerned Doctor for information.
10. In-charge website, H&ME Department.
11. Government Order file/Stock file/Monday Return (w.2.s.c)


(Waheed Ahmed) JKAS

Under Secretary to the Government

