GOVERNMENT OF JAMMU AND KASHMIR
GOVERNMENT MEDICAL COLLEGE, SRINAGAR
10-Karan Nagar, Srinagar, Kashmir, 190010
(Academic Section)

Subject: Consideration order in O.A. No. 586/2026 titled Dr Bushra Shakeel v/s UT of J&K & Ors in compliance of Final Order dated 26.09.2026 passed by the Hon'ble Central Administrative Tribunal, Srinagar Bench.

OFFICE ORDER No: 1064-RA of 2026.

DATED: 06 -12-2026.

Whereas, the applicant, a Non-In-Service candidate, applied for the post of Senior Resident in the Department of Obstetrics & Gynaecology, Government Medical College, Srinagar, in response to this office Advertisement Notice No. 12-RA of 2025 dated 13.09.2025; and

Whereas, the aforesaid applicant was selected as Senior Resident in the Department of Obstetrics & Gynaecology vide Examination Cell Notification No. 44-EC of 2025 dated 06.11.2025, wherein the selected candidates were directed to submit the prescribed online forms through the Employee Verification System (EVS) for verification of their character and antecedents within seven (07) days from the date of issuance of the notification; and

Whereas, upon submission of the requisite documents within the stipulated period, the applicant was provisionally engaged as Senior Resident in the Department of Obstetrics & Gynaecology, Government Medical College, Srinagar, on Academic Arrangement Basis vide this office Engagement Order No. 1302-RA of 2025 dated 14.11.2025, initially for a period of one year only, as she had already completed two years of Senior Residency in the same discipline at Government Medical College, Anantnag. The engagement was subject to the terms and conditions stipulated in the engagement order, including satisfactory verification of character and antecedents by the Criminal Investigation Department (CID), J&K; and

Whereas, the applicant furnished an affidavit duly attested by the Judicial Magistrate 1st Class, Srinagar, deposing therein that she was not involved in any criminal activity and that no FIR was pending or registered against her in any police

station. The undertaking further stipulated that, in the event of receipt of an adverse character and antecedents' verification report, or leaving the engagement before receipt of CID verification, she would have no claim to Senior Residency benefits, including salary and experience certificate; and

Whereas, the applicant submitted her joining report on 01.12.2025 pursuant to Engagement Order No. 1302-RA of 2025 dated 14.11.2025 and was permitted to join the Department of Obstetrics & Gynaecology vide this office Order No. 1366-RA of 2025 dated 01.12.2025, subject to the conditions governing her provisional engagement, with directions to the Financial Advisor/Chief Accounts Officer, Government Medical College, Srinagar, not to draw her salary until receipt of a satisfactory character and antecedents verification report from CID, J&K; and

Whereas, the joining of the aforesaid applicant in the Department of Obstetrics & Gynaecology on 01.12.2025 was duly communicated by the concerned Head of Department vide endorsement No. PA/HOD/Gynae/3819 dated 01.12.2025; and

Whereas, this office received the Character and Antecedents Verification Report from CID, J&K, on 12.05.2026 under Form No. 141479, wherein it was reported that the applicant was involved in FIR No. 116/2023 under Sections 279, 337 and 304-A IPC, registered at Police Station Achabal, which had been challaned before the competent Court at Shangus on 02.05.2024, and that the matter was sub judice, with no final order having been pronounced by the said Court; and

Whereas, Government Order No. 528-JK(GAD) of 2021 dated 21.06.2021, read with Circular No. 05-JK(GAD) of 2024 dated 18.01.2024, prescribes the procedure relating to verification of character and antecedents of selected candidates and the action to be taken upon receipt of adverse verification reports; and

Whereas, consequent upon receipt of the adverse Character and Antecedents Verification Report from CID, J&K, and in view of the terms and conditions governing her provisional engagement, read with the aforesaid Government instructions, the engagement of the applicant as Senior Resident in the Department of Obstetrics & Gynaecology on Academic Arrangement Basis was

cancelled/rescinded vide this office Order No. 548-RA of 2026 dated 16.05.2026; and

Whereas, aggrieved by the aforesaid cancellation order, the applicant approached the Hon'ble Central Administrative Tribunal, Srinagar Bench, by filing O.A. No. 586/2026 titled *Dr. Bushra Shakil Vs. UT of J&K & Ors.*, challenging the cancellation of her provisional engagement and seeking consequential reliefs; and

Whereas, the Hon'ble Central Administrative Tribunal, Srinagar Bench, vide interim order dated 16.06.2026, directed the respondents, subject to objections from the other side, to release the legitimately earned wages/salary of the applicant for the period during which she had worked, i.e., from 01.12.2025 to 16.05.2026, if not already released, and further directed consideration and disposal of her representation available at Page Nos. 40 to 41 of the Original Application; and

Whereas, pursuant to the aforesaid interim directions, the representations submitted by the applicant dated 18.05.2026 and 20.06.2026 were examined by this office and, upon consideration, were found devoid of merit and rejected vide **Office Order No. 647-RA of 2026 dated 29.06.2026**; and

Whereas, the matter was subsequently adjudicated by the Hon'ble Central Administrative Tribunal, Srinagar Bench, which, vide its final judgment/order dated 26.09.2026 in O.A. No. 586/2026, upheld the cancellation of the provisional engagement of the applicant and rejected her claim for reinstatement or continuation in the said engagement; and

Whereas, the Hon'ble Tribunal, while examining the claim for release of withheld salary/remuneration, distinguished between the right to continuation of a provisional academic arrangement and the right to receive remuneration for services actually rendered, holding that the conditions governing a provisional engagement cannot be enforced so as to deprive an individual of remuneration legitimately earned for duties actually performed; and

Whereas, the Hon'ble Tribunal, in Paragraph 39 of the aforesaid judgment/order, has specifically observed as under:

> "The undertaking furnished by the applicant is, therefore, required to be read down to the limited extent necessary to

preserve its lawful operation. The stipulation may operate to disentitle the applicant from claiming continuation of the academic arrangement, experience or other future benefits flowing from such engagement on the basis of the adverse verification report. It cannot, however, be extended to forfeit remuneration legitimately earned for the period during which the applicant actually discharged her duties."; and

Whereas, the Hon'ble Tribunal, in its final directions, has rejected the challenge to this Office Order No. 548-RA of 2026 dated 16.05.2026 and directed the respondents to release the salary/remuneration legitimately due to the applicant for the period during which she actually discharged her duties pursuant to Engagement Order No. 1302-RA of 2025 dated 14.11.2025, subject to verification of the period of actual service, applicable rate of remuneration and adjustment of any amount already paid, within six weeks from the date of receipt of a copy of the judgment/order; and

Whereas, the applicant has also sought issuance of an experience certificate for the period during which she rendered services in the Department of Obstetrics & Gynaecology, Government Medical College, Srinagar, notwithstanding the cancellation of her provisional engagement; and

Whereas, the matter regarding implementation of the aforesaid judgment/order was examined at various levels in this institution. Accordingly, the applicant is not entitled to claim experience arising out of an engagement which stands cancelled; and

Whereas, the representations submitted by the applicant, the earlier Office Order No. 647-RA of 2026 dated 29.06.2026, the terms and conditions of her provisional engagement, the cancellation Order No. 548-RA of 2026 dated 16.05.2026, the final judgment/order dated 26.09.2026 passed by the Hon'ble Tribunal; and

Whereas, it has been observed that the Hon'ble Tribunal has upheld the cancellation of the provisional engagement and has not directed issuance of an experience certificate in favour of the applicant. Further, Paragraph 39 of the

judgment recognizes that the undertaking furnished by the applicant may operate to disentitle her from claiming experience or other future benefits flowing from the engagement on the basis of the adverse verification report. Accordingly, the claim for issuance of an experience certificate is not admissible under the conditions governing her engagement, as considered in the aforesaid judgment; and

Whereas, the directions contained in the final judgment/order dated 26.09.2026 regarding release of legitimately earned remuneration are required to be implemented independently of the rejection of the applicant's claim for reinstatement, continuation or other benefits, notwithstanding the earlier disposal of her representations vide Office Order No. 647-RA of 2026 dated 29.06.2026; and

Now, therefore, in compliance with the judgment/order dated 26.09.2026 passed by the Hon'ble Central Administrative Tribunal, Srinagar Bench, in O.A. No. 586/2026, and after careful consideration of the facts and circumstances of the case, the relevant official records, the terms and conditions governing the provisional engagement and **the representation of Dr. Bushra Shakil, Ex-Senior Resident, Department of Obstetrics & Gynaecology, Government Medical College, Srinagar, is hereby disposed of as under: -**

1. Release of salary/remuneration:

The Financial Advisor/Chief Accounts Officer, Government Medical College, Srinagar, being the concerned Drawing and Disbursing Officer (DDO), is hereby directed to process and release the admissible salary/remuneration in favour of Dr. Bushra Shakil for the period **w.e.f. 01.12.2025 to 16.05.2026**, strictly to the extent of duties actually performed by her, subject to verification of the actual period of service from the concerned Head of Department on the basis of authenticated attendance and relevant official records, calculation of remuneration at the applicable rate and adjustment of any amount already disbursed, after observance of all requisite financial and codal formalities, within the timeframe stipulated by the Hon'ble Tribunal.

2. Issuance of experience certificate:

The request of Dr. Bushra Shakil for issuance of an experience certificate in respect of the aforesaid engagement is hereby **rejected**, in view of the cancellation of her provisional engagement vide Order No. 548-RA of 2026 dated 16.05.2026, which stands upheld by the Hon'ble Central Administrative Tribunal, Srinagar Bench, read with the observations contained in Paragraph 39 of the judgment/order dated 26.09.2026, the conditions governing her engagement.

It is further clarified that the release of admissible salary/remuneration for duties actually performed shall not be construed as reinstatement, restoration, regularization or continuation of the cancelled engagement, nor shall it confer upon the applicant any right to an experience certificate or other consequential benefits arising out of the said engagement.

Sd/
Prof. (Dr.) Iffat Hassan Shah
Principal/Dean
Govt. Medical College
Srinagar

No. GMCS/Acad/SR/Gynae/7616-23 (E- **7995121)** Dated. 06 -11-2026

Copy to the:

1. Commissioner/Secretary to the Government, Health & Medical Education Department, Civil Secretariat, J&K, for information.
2. Financial Advisor/Chief Accounts Officer, Government Medical College, Srinagar, with the directions to process and release the admissible salary/remuneration in favour of Dr. Bushra Shakil, Ex-Senior Resident, Department of Obstetrics & Gynaecology, for the period w.e.f. 01.12.2025 to 16.05.2026, strictly to the extent of duties actually performed, subject to verification of the actual period of service by the concerned Head of Department, calculation at the applicable rate of remuneration and adjustment of any amount already disbursed, after observance of all requisite financial and codal formalities, within the timeframe stipulated by the Hon'ble Tribunal.
3. Head of the Department of Obstetrics & Gynaecology, Government Medical College, Srinagar, with the directions to verify and furnish the authenticated attendance and actual service particulars of the aforesaid applicant to the FA/Chief Accounts Officer, GMC Srinagar, immediately, to facilitate timely compliance with the directions of the Hon'ble Tribunal.
4. Assistant Legal Remembrancer, Government Medical College, Srinagar, for information and necessary action.

5. Dr. Bushra Shakil, Ex-Senior Resident, Department of Obstetrics & Gynaecology, Government Medical College, Srinagar, for information.
6. In-charge I.T. Section, Government Medical College, Srinagar, for uploading the order on the official website.
7. Office file.

Fayaz Ahmad Bhat, (JKAS)
Registrar (Academics)
Govt. Medical College
Srinagar