



केंद्र शासित प्रदेश लद्दाख का
प्रशासन
स्वास्थ्य सेवा निदेशालय, लद्दाख.

**The Administration of
Union Territory of Ladakh
Directorate of Health Services,
Ladakh.**

Phone/Fax No: 01982 – 256699
ईमेल Email: dhsladakh@gmail.com

Namra Complex, Leh Ladakh

Subject: Speaking Order in the case of Dr. Rukhsana Tabasum & other versus Union Territory of Ladakh through Commissioner Secretary to Health & Medical Education Department and others.

Reference: - Hon'ble CAT order dated 29.04.2024.

Order No: 37-DHS(UTL) of 2025
Dated: 5-02-2025

Whereas, the Petitioners, namely Dr. Rukhsana Tabasum and others, filed an Original Application (O.A. No. 241/2024) before the Hon'ble Central Administrative Tribunal, Srinagar, on 16.04.2024 seeking directions regarding their representations and objections concerning the modification and inclusion of necessary conditions of service, including promotion, in the final recruitment process;

Whereas, the Hon'ble Central Administrative Tribunal disposed of the matter *vide* its order dated 29.04.2024, directing the respondent that the Original Application be treated as a representation and respondents should consider the averments made therein and pass a speaking order in accordance with the Principles of Natural Justice. The Hon'ble Tribunal further directed that the speaking order be passed within a period of four weeks from the receipt of the order;

Whereas, the applicants have made representations before the respondents seeking the consideration of their claims for the modification and inclusion of necessary conditions of service, including promotion, in the final recruitment process;

Whereas, the matter relates to the modification of existing recruitment rules and the inclusion of conditions concerning promotions and feeder posts in the Health and Medical Education Department, as per the draft recruitment rules for the posts of Consultant Dentistry, Consultant Dental Surgeon, Consultant Public Health Dentistry, and Dental Surgeon in the Union Territory of Ladakh;

Whereas, the posts of Consultant Dentistry, Consultant Dental Surgeon, Consultant Public Health Dentistry, and Dental Surgeon were transferred from the erstwhile state of Jammu and Kashmir to the Union Territory of Ladakh under **SRO 697 dated 25.10.2019**, and **Government Order No. 1211-JK(GAD) of 2021 dated 15.11.2021**;

Whereas, **Schedule II of SRO 325 dated 12.06.2023**, which pertains to the erstwhile state of Jammu and Kashmir, specifies that the Senior Consultant Dentistry was the feeder post for the Director Health Services and the Dental Surgeon for the Deputy Director Dentistry. It also outlines the promotion methods for these posts;

Whereas, the department, in line with the existing Recruitment Rules of the erstwhile state of Jammu and Kashmir, drafted the Gazetted Service Recruitment Rules for the Health and Medical Education Department, which were placed in the public domain for review and comments via Directorate **Notification No: E12219A/225/2023-EST SEC(DHS)5754-60 dated: 02.11.2023**;

Whereas, under the proposed draft, Dental Surgeons were included as feeder cadres for promotion to the post of Consultant Dentistry, with a 40% promotion and 60% direct recruitment ratio, based on the existing rules vide **SRO 323 dated: 25.07.2018 of erstwhile state of Jammu and Kashmir**;

Whereas, the petitioners, along with several others, submitted grievances regarding the Draft Recruitment Rules, which were duly forwarded to the Competent Authority for consideration. However, it was noted that the post of Senior Consultant Dentistry at Pay Level-12 was not available, thus preventing the inclusion of this post in the final draft Recruitment Rules for the post of Director Health Services (Pay Level-13). Similarly, the non-availability of the Deputy Director Dentistry (Pay Level-12) post prevented consideration for the promotion of Dental Surgeons to that position; and

Whereas, after careful consideration of the representations and the grievances raised by the applicants, the Competent Authority found that due to the non-availability of the posts of Senior Consultant Dentistry and Deputy Director Dentistry, the petitioners' claims for modification and inclusion of the promotion conditions in the final draft of the recruitment rules could not be accepted;

Now therefore, the claims made by the petitioners for the modification and inclusion of necessary conditions of service, including promotions, in the final Recruitment Rules for the posts of Director Health Services and Deputy Director Dentistry, cannot be considered at this stage. The representations submitted by the applicants, along with their objections, are accordingly rejected.

By order of the Competent Authority.

Sd/-

Dr. Vasanthakumar Namasivayam, IAS,
Commissioner Secretary,
Health & Medical Education Department
UT Ladakh.

DHS/UTL/2024/352-63

Dated - 5-02-2025

Copy to the :-

1. Commissioner/Secretary to Hon'ble Lieutenant Governor.
2. Administrative Secretary, General Administration Department for information.
3. Deputy Commissioner/CEO, LAHDC, Leh / Kargil for information.
4. Chief Medical Officer, Leh / Kargil for information.
5. State Informatics Officer, NIC, UT Ladakh to upload in the official website .
6. Pvt. Secretary to Advisor to Hon'ble Lieutenant Governor UT Ladakh for information of the Advisor.
7. Superintendent, Archives, Archaeology & Museums for information.

8. PA to Commissioner Secretary, Health and Medical Education
Department Union Territory of Ladakh for information of the
Commissioner Secretary.
9. Order/Stock file
10. Petitioners in cause title of Original Application (O.A. No. 241/2024) before the
Hon'ble Central Administrative Tribunal, Srinagar for information.



(Dr. Tashi Thinles)
निदेशक स्वास्थ्य सेवाएं /Director Health Services,
UT-Ladakh.