



Government of Jammu and Kashmir
GOVT. MEDICAL COLLEGE SRINAGAR



Subject: WP(C) No. 866/2022 titled Imtiyaz Ahmad Malik Vs Union Territory of J&K and others and consideration Order thereof...

Order No.: 461 AH of 2026

Dated: 01-09-2026

Whereas, Mr. Imtiyaz Ahmad Malik was engaged as X-Ray Assistant vide order No. 139 of 1999 Dated: 28-08-1999 as leave substitute against a migrant vacancy for 30 Days and was posted in Government Children Hospital Srinagar. And;

Whereas, vide time to time extensions, the petitioner continued in the department/ Institution w.e.f 09/1999 to 7/2007 and his salary/remuneration was drawn from the establishment of Government Medical College Srinagar against the post of X-Ray Assistant as substitute/Adhoc. And;

Whereas, the petitioner approached the Hon'ble High Court at Srinagar in the case bearing SWP No. 1164/2007 titled Imtiyaz Ahmad Malik Vs State and Ors. The Hon'ble court has been pleased to dismiss the petition via order dated: 13.09.2007, operative portion of which reads as under:

"On consideration of the facts, I find no merits in the present petition. Petitioner has been asked to assist in the Sonology Department which does not amounts to any promotion. It is only an adjustment made by the concerned authorities to run the affairs of the hospital.

Dismissed. At this stage learned counsel for the petitioner stated that the petitioner's basic appointment was against migrant vacancy, so the present arrangement should not affect his status as such. In view of the submissions it is clarified that the dismissal of the petition shall not affect the original appointment of the petitioner."

Whereas, a series of representations were received from the petitioner for his retention in G.B Pant Hospital Srinagar.

Whereas, the representation of the petitioner was rejected as the engagement of the applicant was not made against any clear or substantive vacancy, nor through prescribed selection process under the relevant recruitment rules, and was purely a temporary arrangement against a leave vacancy.

Whereas, the petitioner approached the Hon'ble court again in the case bearing WP(C) No.866/2022 titled Imtiyaz Ahmad Malik Vs Union Territory of J&K and Ors. And the Hon'ble Court was pleased to pass an order dated: 29-07-2026, operative portion of which reads as under;

:Having regard to the prayer made in the application, the writ petition is disposed of with a direction to the respondents to consider and decide the



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petitioner's representation dated: 5th of April, 2020, strictly in accordance with law and passing a speaking order, most expeditiously preferably within a period of two months from the date a copy of this order is made available to them.

The application stands disposed of".

Whereas, in pursuance of the directions of Hon'ble Court, the case of the petitioner was again thoroughly examined by the department and it was found that the engagement of the petitioner/applicant was purely a temporary arrangement against a leave vacancy thus such engagement being dehors the rules and not conforming to the constitutional scheme of public employment under Article 14 and 16 of the constitution of India. Besides that the claim of the petitioner was examined in light of the J&K Civil Services (Special Provisions) Act, 2010, and it is was found that:

- I. The applicant was not appointed against a clear vacancy as mandated under section 5 of the Act;
- II. The nature of engagement as leave substitute does not fall within the category of eligible adhoc appointees contemplated under the Act;
- III. No material exists to establish fulfilment of statutory conditions for regularization.

It is settled that as on date, no policy for regularization is in force in the Union Territory of Jammu & Kashmir for the candidates like the applicant.

Now, therefore, in view of the facts and circumstances noted above, and in compliance with the Hon'ble High Court's Order dated 29.07.2026 the case of the petitioner has been duly considered and is found devoid of merit. Accordingly, the representation of the petitioner for regularization is hereby rejected.

NO - AH-09-GMC/2026/5109-11
DATED - 01-09-2026


Principal/Dean,
Government Medical College,
Srinagar

Copy to:

1. Administrator, Associated Hospitals, Srinagar.
2. I/c Website, Government Medical College Srinagar for necessary action.
3. Petitioner