

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

**WP (C) No. 2124/2026
CM No. 5762/2026**

Zahoor Ibrahim (46 Years)
S/O Mohd. Ibrahim Mir
R/O Magam, District Budgam.

... Petitioner(s)

Through: -
Mr Sheikh Manzoor, Advocate.

V/s

1. Union Territory of Jammu & Kashmir,
Through Commissioner/ Secretary to Govt.,
Health and Medical Education Department,
Civil Secretariat, Srinagar/ Jammu.

2. Mission Director,
National Health Mission, J&K,
Old Secretariat, Srinagar.

3. Chief Medical Officer,
Budgam.

4. Block Medical Officer,
Magam, District Budgam.

5. Block Medical Officer,
Khansahab, District Budgam.

... Respondent(s)

Through: -
Mr Faheem Nisar Shah, Government Advocate.

CORAM:

HON'BLE MR JUSTICE M. A. CHOWDHARY, JUDGE.

(ORDER)

16.09.2026

01. The Petitioner, through the medium of this Petition filed under Article 226 of the Constitution of India, has challenged Order No. 18-NHM of 2022-23 dated 10th of June, 2022 issued by the Chief Medical Officer, Budgam/ Respondent No.3 herein, whereby the Petitioner had been detailed

as X-Ray Technician from Sub-District Hospital Magam to Sub-District Hospital Khansahab.

02. The Petitioner claims to have been engaged as an X-Ray Assistant under the National Rural Health Mission (NRHM) on contractual basis against a monthly remuneration of ₹5,000/- and was posted at Sub-District Hospital, Magam vide engagement Order dated 15th of July, 2008; that, on 10th of June, 2022, he was transferred/ deployed to Sub-District Hospital, Khansahab, Budgam by Block Medical Officer, Magam; that the Petitioner had been verbally brought back from Sub-District Hospital, Khansahab to his original place of engagement at Sub-District Hospital Magam, where he has been discharging his duties as an X-Ray Technician; and that, vide the impugned Order dated 10th of June, 2023, was deputed to work at SDH Khansahab.

03. The Petitioner has challenged the aforesaid impugned Order, primarily, on the ground that the same has been issued without any authority of law by the Respondents, inasmuch as, the scheme under which he had been engaged did not provide for any transfer.

04. Mr Faheem Nisar Shah, learned Government Advocate, while appearing on behalf of the Respondents, has reported instructions pursuant to directions passed by this Court on 31st of August, 2026, contending that the Petitioner had been engaged for Sub-District Hospital, Magam and was detailed without any transfer order from Sub-District Hospital, Magam to Sub-District Hospital, Khansahab on need basis, vide the impugned Order, issued way back in the year 2022. He has further submitted that the said Order was cancelled by the Chief Medical Officer, Budgam, as Vice Chancellor of the District Health Society, vide his letter No. CMOB/NHM/26-27/2912-18 dated 12th of September, 2026 in compliance to the directions of the NHM vide Circular No. 53-JK (HME) of 2022 issued by the Health and Medical Education Department, whereby all Block Medical Officers were directed to cancel the attachment of all Doctors/ paramedical staff. He, in this behalf, has produced copies of both the communications, which are taken on record.

05. The learned Government Advocate also submits that the Order of being detailed from one Sub-District Hospital to another Sub-District Hospital in the year 2022, which was also cancelled, has been challenged by the Petitioner in the year 2026, knowing fully well that all attachment orders had been cancelled, but despite that, he had chosen to file this Petition without any cause of action, in view of the fact that he had not joined at the place where he was detailed and had continued at the same place of posting till the filing of his Petition. He, thus, argued that the Petitioner has misconceived this Petition which is liable to be dismissed, with exemplary costs.

06. Heard and considered.

07. Having regard to the submissions made by the learned Counsel for the Respondents and the facts, as are apparent from the record, though the impugned detailing Order had been issued in the year 2022, however, the Petitioner, as per his own assertion in the Petition, has been continuing at Sub-District Hospital Magam and the attachments had also been cancelled in view of the circular issued by the Health and Medical Education Department. Therefore, the Petitioner, in a way, has filed this luxury petition before this Court consuming precious time, without any reason as he had no cause of action to approach this Court in view of the cancellation of the attachment order. In such a situation, it does not lie in his mouth to say, as is submitted by his Counsel, that the cancellation order was not conveyed to the Petitioner when he was working at the same station without any hindrance from the end of the Respondents.

08. Though, taking into consideration the conduct of the Petitioner, this case could be a fit one for imposing heavy costs for resorting to this venture of filing a Petition without any cause of action, however, since the Petitioner is a contractual employee under the NHM Scheme, having lesser income, this Court, while taking a lenient view, leaves it at that, with a word of caution to the Petitioner to desist from such type of litigation at the cost of the precious and public time of the Court.

09. Viewed thus, the present Petition is found to be devoid of any merit and substance. Accordingly, the same is **dismissed**, along with the

connected CM. Resultantly, the impugned Order is upheld. Interim direction(s), if any subsisting as on date, shall stand vacated.

(M. A. CHOWDHARY)
JUDGE

SRINAGAR

September 16th, 2026

"TAHIR"

