



ORDER

SO(Estt)41-26/2016 WHEREAS, Director (Admin), Directorate of Special Education through letter dated 01.03.2023 forwarded letter of District Education Officer (Special Education), Lahore dated 31.01.2023 and letter of Principal, Govt. Secondary Institute for the Blind Girls, Lahore dated 30.01.2023 wherein it was intimated that Ms. Zainab Zaheer, Junior Special Education Teacher (BS-16) (VI Field), Govt. Secondary Institute for the Blind Girls, Lahore ("accused officer") has been found absent from her duty w.e.f. 29.10.2022 till date without intimation or prior approval of Competent Authority. Upon receipt of absence report, Secretary Special Education / Competent Authority, *while dispensing with regular inquiry in view of documentary evidence available on record*, under Section 5(1)(b) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 ("Act") initiated disciplinary proceedings against the accused officer under Section 7 (b) read with Section 5(1)(a) of the Act vide Show Cause Notice dated 27.03.2023 on the following charge of misconduct on account of absence from duty;

"You have been found absent from your duty w.e.f. 29.10.2022 to date without any intimation or prior permission of the Competent Authority."

2. **AND WHEREAS**, through Show Cause Notice dated 27.03.2023, the accused officer was directed to submit her written defence within seven (07) days but she did not file written defence, therefore, in order to meet the ends of justice, the accused officer was afforded an opportunity of personal hearing under Section 7(d) of the Act *ibid* and vide letter dated 02.05.2023 she was directed to appear for personal hearing on 08.05.2023. The accused officer appeared on the fixed date and submitted her defence reply. The accused officer during course of personal hearing, *while reiterating the contents of defence reply*, admitted the charge of absence leveled against her and further stated that she had been serving in this department since 2016; that in the year 2022, her husband went abroad leaving two little children and his old aged ailing parents under her care due to which it became very difficult for her to attend duties, therefore, she applied for extra ordinary leave (without pay) for 89-days w.e.f. 01.08.2022 to 28.10.2022 which was granted to her but after expiry of the same she could not attend duties due to domestic issues and she applied for further leave (without pay) for a period of two years w.e.f. 29.10.2022 to 28.10.2024 through application dated 20.12.2022; that the Principal concerned did not forward the leave application and later on she applied again on 02.02.2023 but the Principal concerned affixed remarks "not recommended due to shortage of staff" and returned the same to her and did not forward the same to the Competent Authority; that she did not remain absent from duty willfully but due to compelling domestic circumstances. Lastly, the accused officer requested that her case may be treated on compassionate grounds and she may be exonerated from the charge of misconduct on account of absence from duty.

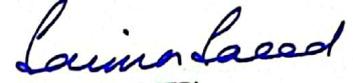
3. **AND WHEREAS**, perusal of record shows that the accused officer vividly admitted the charge of absence leveled against her and did not justify her unauthorized absence from duty with cogent reason / evidence. The accused officer failed to substantiate her innocence and also failed to bring on record any piece of evidence which can rebut the charge of misconduct on account of absence from duty w.e.f. 29.10.2022 till date. After hearing the accused officer and considering the material related to the case, it is observed that mere filing of application does not create any justifiable/vested right in favour of the accused officer to proceed on leave and remain absent from duties. Moreover, the charge of misconduct on account of absence from duty w.e.f. 29.10.2022 till date stood fully proved against the accused officer.

4. **NOW THEREFORE**, I, Saima Saeed, Secretary Special Education / Competent Authority in the instant case, after having considered all the aspects and material related to the case, in exercise of powers vested upon me under Section 7 (f) read with Section 4 of the Act *ibid*, am of the view that charge of misconduct on account of absence from duty stood fully proved against the accused officer. I, therefore,

Saima Saeed

while taking lenient view, hereby impose minor penalties of "withholding of annual increments for a period of three years" under Section 4(1)(a)(ii) of the Act *ibid* upon the accused officer.

5. **NOTWITHSTANDING ABOVE**, since the accused officer has remained absent from duty for a period more than 90-days, therefore, she is directed to report to department with immediate effect. It is further decided that absence period of the accused officer w.e.f. 29.10.2022 till the date she reports to department shall be treated as **Extra Ordinary Leave (without pay)**.



(SAIMA SAEED)

SECRETARY

GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
COMPETENT AUTHORITY

Dated Lahore, the

May 15th/2023

No. & Date Even:

A copy is forwarded for information and necessary action to the:-

1. The Accountant General Punjab, Lahore.
2. The Director General, Special Education Punjab, Lahore.
3. The District Education Officer (Special Education), Lahore.
4. Principal, Govt. Secondary Institute for the Blind Girls, Lahore.
5. PS to Secretary Special Education Department, Lahore.
6. Statistical Officer.
7. Accused officer / **Ms. Zainab Zaheer, Junior Special Education Teacher (BS-16)**, Govt. Secondary Institute for the Blind Girls, Lahore resident of House No. 81-Mamdot Block, Mustafa Town, Lahore.



SECTION OFFICER (ESTT.)
SPECIAL EDUCATION DEPARTMENT