

**ORDER**

No. SO(Estt)10-338/2010. WHEREAS, Ms. Rafia-ur-Rehman, Senior Special Education Teacher (HI Filed) (BS-17), Govt. Secondary School of Special Education for HI (boys), Bahawalpur ('accused officer') was granted 700-days Ex-Pakistan leave (without pay) w.e.f 01.08.2021 to 01.07.2023 vide order dated 09.07.2021 for Master Degree from Finland, and after expiry of the leave she was bound to join her duties w.e.f. 02.07.2023. However, she neither reported for duty on the stipulated date nor intimated the authorities. Instead, she remained absent from duties w.e.f 02.07.2023 till date. Furthermore, non-resumption of duties after expiry of leave constitutes a violation of office protocols and commitments as outlined in clause 4 of the surety bond duly executed by the accused officer and clause 1 of the affidavit submitted by the accused officer in seeking sanction of leave. Clause 4 of the surety bond and clause 1 of the affidavit expressly state that upon the expiry of the leave, the accused officer will return to Pakistan and resume her duties within the department. On expiry of the said leave, she had to report back to this Department on 02.07.2023 but she failed to do so.

2. **AND WHEREAS**, keeping in view the facts of the case and on account of availability of sufficient documentary evidence on record, Secretary Special Education being Competent Authority, *while dispensing regular inquiry*, initiated disciplinary proceedings against the accused officer vide Show Cause Notice dated **11.10.2023** under Section 7(b) read with Section 5(1)(a) of the PEEDA Act, 2006 ('Act') on the following charge of misconduct:

***"You were granted 700-days Ex-Pakistan leave (without pay) w.e.f 01.08.2021 to 01.07.2023 vide order dated 09.07.2021 to visit Finland for studying Master in Teacher Education, and after expiry of the leave you were bound to join your duties w.e.f. 02.07.2023. However, you neither reported for duty on the stipulated date nor intimated the authorities and remained willfully absent from your duties w.e.f 02.07.2023 till date. Furthermore, by not resuming your duties after expiry of leave, you also violated the commitments made by you as outlined in Clause 4 of the Surety Bond duly executed by you and Clause 1 of the Affidavit submitted by you while seeking sanction of leave. Clause 4 of the Surety Bond and Clause 1 of the Affidavit expressly state that upon the expiration of your leave, you will return to Pakistan and resume your duties within the department. Hence you have been found guilty of misconduct on account of being willfully absent from duty w.e.f. 02.07.2023 to date without any intimation or prior permission of the Competent Authority and violating the terms/clauses of Surety Bond and Affidavit."***

3. **AND WHEREAS**, through the above said Show Cause Notice, the accused officer was directed to submit her defense reply within 07-days but she did not do so. Therefore, in order to finalize the disciplinary proceedings, the accused officer was afforded an opportunity of personal hearing under Section 7(d) of the Act *ibid* and for said purpose vide letter dated 30.10.2023, she was directed to appear before

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4. **AND WHEREAS**, the Hearing Officer submitted hearing report stating therein that the accused officer did not appear on the date fixed for personal hearing i.e., 13.11.2023 despite service of notice of personal hearing on her residential address. For the sake of justice and to complete the hearing proceedings, the accused officer was afforded 2<sup>nd</sup> opportunity of personal hearing and she was directed to appear on 21.11.2023 but again she did not appear. The Hearing Officer further stated that as per record, the hearing notice was served to the accused officer on her residential address and copies were also sent to District Education Officer (Special Education) concerned and Headmistress concerned to ensure the delivery of notice to the accused officer. Vide letter dated 21.11.2023, Deputy Director (Admn.) of Director General of Special Education forwarded letters of District Education Officer (Special Education) Bahawalpur dated 07.11.2023 and Headmistress concerned dated 06.11.2023 whereby it was informed that Show Cause Notice and Personal Hearing Notice were delivered to the accused officer at her residential address through special messenger and the same have also been sent to the accused officer on her official email address. The Hearing Officer stated that despite observing all just, legal and codal formalities and proper intimation the accused officer did not attend the personal hearing proceedings.

5. **AND WHEREAS**, the Hearing Officer after consulting record, observed that the accused officer was appointed as Senior Special Education Teacher (BS-17/Hi Field) on contract basis for a period of five years and posted at Govt. School for Deaf and Defective Hearing Children Bahawalpur vide order dated 20.10.2014 and later on her services were regularized. The accused officer applied for grant of 700-days Ex-Pakistan leave (without pay) w.e.f 01.08.2021 to 01.07.2023 which was granted vide order dated 09.07.2021 to visit Finland for studying Masters in Teacher Education. As per the terms settled, after expiry of the leave the accused officer was bound to join her duties w.e.f 02.07.2023. However, she neither reported for duty on the stipulated date nor intimated the authorities and remained wilfully absent from duties w.e.f 02.07.2023 till date. Furthermore, by not resuming duties after expiry of leave, she has also violated the commitments made by her and as outlined in the Affidavit submitted by her while seeking sanction of leave. Clause 4 of the Surety Bond and Clause 1 of the Affidavit expressly states that upon the expiration of leave, the accused officer will return to Pakistan and resume her duties within the department. The accused officer was afforded two (02) opportunities of personal hearing with the direction to appear for personal hearing but she failed to attend the personal hearing proceeding which shows that she has no supporting documents to defend her case. Show Cause Notice and Personal Hearing Notice were delivered to the accused officer at her residential address through special messenger and the same have also been sent to the accused officer on her official email address. The accused officer failed to furnish her defense reply in response to the show caused notice dated 11.10.2023. Clause 5 of the Show Cause Notice reads as under;

*"5. Your reply to Show Cause Notice should reach the undersigned, within the said period failing which it shall be presumed that either you have no defence to offer."*

In view of above quoted clause of Show Cause Notice, failure on the part of accused officer to file reply to Show Cause Notice tantamounts to admission of charge, hence the charge leveled against the accused officer stood proved. If the available record is examined keeping in view the conduct of the accused officer and violation of settled

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terms duly agreed upon by her, it can safely be inferred that the conduct of the accused officer towards performance of her official duty remained highly prejudicial to good service discipline, unbecoming of an officer and tantamounts to gross misconduct. It has further been observed by the Hearing Officer that the accused officer instead of joining back the service tendered her resignation on 26.08.2023 which was forwarded by quarter concerned. It is observed in this regard that vide Circular No.SORI(S&GAD)2-2/2012 dated 10.10.2013 in Para No. 6, S&GAD issued instructions regarding acceptance of resignation of an employee availing leave "an official availing leave of any kind within or outside the province will have to come back and then tender his resignation after clearing the accounts." The Hearing Officer was of the view that the accused officer has been found guilty of misconduct on account of absence from duty and the charge stood proved against her. Wilful and intentional non-appearance of the accused officer for personal hearing shows that she is avoiding to appear for personal hearing and is delaying the finalization of disciplinary proceedings.

6. **AND WHEREAS**, after having considered all aspects and material related to the case and report of Hearing Officer, it has been noticed the accused officer remained willfully absent from duty w.e.f. 02.07.2023 till date and no cogent, convincing and confidence inspiring evidence has been brought on record by the accused officer to substantiate that her absence is neither willful nor unintentional. After consulting the record, I am tempted to observe that no circumstances extenuating in nature exist in favour of the accused officer through which it can be deduced that absence of the accused officer is due to circumstances which are beyond her control. There is no cavil to the proposition that absence from duty without approval of leave by Competent Authority tantamounts to misconduct as defined under Section 2(n)(vii) of the Act *ibid* and constitutes culpable wrongdoing. Record fully corroborates that the accused officer has been found guilty of charge of absence from duty w.e.f. 02.07.2023 without prior approval / permission of Competent Authority. As per record, the accused officer instead of joining back the service tendered her resignation on 26.08.2023. It is observed in this regard that vide Circular No. SORI(S&GAD)2-2/2012 dated 10.10.2013 in Para No. 6, S&GAD issued instructions regarding acceptance of resignation of an employee availing leave in following terms;

*"6. It may be clarified that only that resignation will be accepted by the Competent Authority:-*

- i. Where the employee tendering resignation addresses his application to the authority, competent to accept his resignation.*
- ii. The resignation is not tendered as a protest. The officer / official expresses his own sweet will to resign from service.*
- iii. There is no financial or any disciplinary liability against the official tendering the resignation.*
- iv. **An official availing leave of any kind within or outside the province will have to come back and then tender his resignation after clearing the accounts.***
- v. An official who is on deputation to some other organization or a foreign country should submit his resignation after reporting back to the parent department."*

If the resignation of the accused officer is considered in the light of afore-quoted instructions, it can safely be inferred that the resignation is not tenable. Therefore, in view of the above instructions and gravity of proven charge, resignation tendered by the accused officer cannot be acceded to.

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7. **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, am of the view that record fully corroborates that the accused officer has been found guilty of misconduct on account of absence from duty w.e.f. 02.07.2023 till date. It is manifestly clear that the conduct and casual attitude of the accused officer toward performance of her official duties shows that she is not interested in performing Govt. job and her further retention in Government service will not serve any useful purpose for the department and special students. Therefore, *keeping in view the gravity of proven charge and in exercise of powers vested upon me under the PEEDA Act, 2006 and for reasons recorded hereinabove*, major penalty of **"Removal from service"** in terms of Section 4(1)(b)(v) of the Act *ibid* is hereby imposed upon the accused officer.

Dated Lahore the  
December 20<sup>th</sup>, 2023

  
(SAIMA SAEED)  
SECRETARY to  
GOVERNMENT OF THE PUNJAB  
SPECIAL EDUCATION DEPARTMENT /  
COMPETENT AUTHORITY

**No. & Date Even.**

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

1. Accountant General, Punjab, Lahore.
2. Director General, Special Education, Punjab, Lahore.
3. Statistical Officer, Directorate General of Special Education, Punjab, Lahore.
4. District Education Officer (Special Education), Bahawalpur **to ensure delivery of this order to the accused officer on her official and residential address under intimation to this department.**
5. Headmaster / Headmistress, Govt. Secondary School of Special Education for HI (Boys), Bahawalpur **to ensure deliver of this order to the accused officer on her official and residential address under intimation to this department.**
6. Accused officer concerned / **Ms. Rafia-ur-Rehman**, Senior Special Education Teacher (HI Filed) (BS-17), Govt. Secondary School of Special Education for HI (boys), Bahawalpur, **Resident of House No. 483, Block D, Street No.1, Satellite Town, Bahawalpur.**
7. P.S. to Secretary Special Education Department.
8. Office File.

  
SECTION OFFICER (ESTT.)  
SPECIAL EDUCATION DEPARTMENT