

**REGISTERED**



**GOVERNMENT OF THE PUNJAB  
SPECIAL EDUCATION DEPARTMENT**

**ORDER**

**SO(Estt)23-196/2021: WHEREAS**, Deputy Director (Admn.), Directorate General of Special Education Punjab vide letter dated 05.10.2023 forwarded the letter of District Education Officer (Spl. Edu.), Sargodha dated 07.09.2023 and report made by the Incharge Headmistress, Govt. Special Education Centre, Bhera, Sargodha dated 01.09.2023 (*duly supported by relevant record*), whereby it was informed that **Ms. Mahreen Ilyas**, Junior Special Education Teacher (PD Field / BS-16), Govt. Special Education Centre, Bhera, District Sargodha (**'accused officer'**) was absent from duty on 3<sup>rd</sup> and 5<sup>th</sup> June, 2023, prior to the summer vacations that started on 6<sup>th</sup> June, 2023 and after re-opening of the Centre after summer vacations w.e.f 21.08.2023, she neither joined duty till date nor intimated any reason of her willful absence. She was also issued explanation on 29.08.2023 but she did not reply the same and continued to remain absent from duty without any intimation.

2. **AND WHEREAS**, given the facts of the case and keeping in view willful absence of the accused officer from duty and availability of sufficient documentary evidence on record, *while dispensing regular inquiry*, disciplinary proceedings were initiated against the accused officer vide Show Cause Notice dated 13.11.2023 under Section 7(b) read with Section 5(1)(a) of the PEEDA Act, 2006 (**'Act'**) on the following charge of misconduct on account of absence from duty:

***"You have been willfully absent from your duties w.e.f. 03.06.2023 till date without prior permission / approval of leave by the Competent Authority which manifestly shows your irresponsible behavior towards discharge of your official duties"***

3. **AND WHEREAS**, through the above said Show Cause Notice, the accused officer was directed to submit her defense reply within 07-days. However, the accused officer failed to submit her defense reply. Keeping in view the failure of the accused officer to file written reply and in order to finalize the disciplinary proceedings, vide letter dated 15.12.2023, opportunity of personal hearing to the accused officer under Section 7(d) of Act *ibid* was afforded and she was directed to appear on 26.12.2023 before Additional Secretary Special Education / Hearing Officer appointed

Laina Saad

under Section 7(d) of the Act *ibid*.

4. **AND WHEREAS**, the Hearing Officer after affording opportunities of personal hearing to the accused officer, submitted report of hearing proceedings stating therein that the accused officer submitted written reply to the charge and candidly admitted the charge. She failed to place on record sufficient documents to rebut the charge. The Hearing Officer concluded that charge levelled against the accused officer stand fully proved.

5. **AND WHEREAS**, after having considered all aspects and material related to the case, written reply of the accused officer with documents annexed therewith and report of Hearing Officer, it has been noticed that the accused officer was appointed as Junior Special Education Teacher (Physically Handicapped Field) (BS-16) on contract basis for a period of five years and posted at Govt. Special Education Centre, Bhera, District Sargodha vide order dated 04.02.2021 and she is still a contract employee. The appended documents have been carefully examined and the stance of the accused officer taken by her in written reply has been given due consideration. A wade through the record reveals that the accused officer absented herself from duty since 03.06.2023 till date without prior permission / approval of leave by the Competent Authority which manifestly shows her irresponsible behaviour towards discharge of her official duties. The stance of the accused officer is that she filed an application on 02.06.2023 through Aaya of the Centre for grant of two days casual leave. As per record, during the course of hearing, the Hearing Officer asked the accused officer to place on record copy of approved leave and extract of attendance register showing her casual leave but she failed to prove her stance through documentary evidence and only submitted copy of application which does not contain any approval of the Headmistress concerned. Hence, in absence of any approval of leave there is no other occasion to arrive at conclusion that absence of the accused officer was unauthorized. The stance taken by the accused officer for rest of her absence period is that she initially applied for 10 days casual leave in accordance with the provisions of Contract Appointment Policy, 2004 ('Policy') and there-after due to medical reasons applied for leave on medical grounds. On expiry of said leave, she applied for 03 months leave without pay. It is observed that stance of the accused officer is based on misconception. The stance of the accused officer that she filed applications for grant of leave is also not corroborated with record. Applications, *alleged to have been filed*, by the accused officer were never

Lawyer's name

forwarded to this department for further proceedings. Moreover, the stance of the accused officer is also inaccurate on the premise that if the accused officer had filed any application for grant of leave, then the concerned Headmistress would not have issued her explanations and had not reported her absence. Even otherwise, it is settled principle that mere filing of application for grant of leave does not provide any logical justification to the applicant and/or confer any right upon him/her to proceed on leave before knowing its fate. It is further observed that Clause 7 (a) of the Policy *ibid* provides as under;

**7. Leave**

*(a) Casual Leave not exceeding 24 days per year shall be admissible. The competent authority may grant 10 days Casual Leave at a time or, in special circumstances 15 days Casual Leave at one time.*

Bare perusal of the above quoted provision of Policy manifestly shows that authority to grant 10 and more days' casual leave at once is Competent Authority of the post and in the instant case, Competent Authority of the accused officer was Secretary Special Education being Appointing Authority, hence her application filed before Headmistress was even otherwise not maintainable.

6. **AND WHEREAS,** it is further noticed that the application for grant of medical leave submitted by the accused officer before the Headmistress concerned (*the said application was never forwarded and the same is attached by the accused officer alongwith her written reply which does not bear any diary number*) was also not proper as no medical record was attached therewith. It is also noticed that Clause 7(c) of Annex-B of Contract Appointment Policy, 2004 titled Guidelines for Fixing Terms and Conditions of Contract Appointments stipulates as under;

*(c) Leave on medical grounds without pay shall be admissible on production of medical certificate by the competent authority as per Punjab Medical Attendance Rules, 1959. However, if medical leave continues beyond 3 months, his contract shall be liable to be terminated.*

The language of above quoted clause is explicit in sense and leaves no room for discussion that application for medical leave is admissible on production of medical certificate by the competent authority as per Punjab Medical Attendance Rules, 1959. The application attached by the accused officer alongwith her written reply is found to

be deficient on all fronts. Now, adverting to the stance of the accused officer that after expiry of medical leave (*this leave was not sanctioned / approved hence the same is unauthorized*), she applied for grant of 3 months' leaves without pay through an application filed before Headmistress concerned. It is observed in this regard that Clause 7 (i) of the Policy *ibid* stated *ut infra*;

*(i) The competent authority may allow Extra Ordinary Leave without pay under special circumstances up to two months during the tenure of 3 to 5 years to a contract employee. However, the contractee during the first year of his appointment shall be entitled to extra ordinary leave (EOL) without pay for 15 days only.*

After adjudging the application of the accused officer on the basis of above clause of Policy, it would be plausible to mention here that being contract employee the accused officer was not entitled for three months' leave without pay, hence the stance of the accused officer is erroneous. Moreover, if the assertions of the accused officer that the misconduct on account of absence from duty which has been committed by her is curable in nature, hence she deserves lenient treatment is considered in light of the explicit provisions of Policy and available record, it is observed that, *even if for an instance merely for the sake of arguments*, the period w.e.f. 03.06.2023 to date (*the period during which the accused officer remained on self-claimed leaves which are unauthorized in nature*), is considered in accordance with the provisions of the Policy *ibid*, the same is found to be deliberate, willful and unauthorized because she was not entitled for such long leave being a contract employee.

7. **AND WHEREAS**, as regards the stance of the accused officer that she had domestic issues and she also had to travel a lot, hence her absence cannot be termed as misconduct, it is observed that while taking this stance the accused officer has admitted that her period of absence is unauthorized and she has committed misconduct. The admission alongwith this stance by the accused officer cannot come to rescue her because absence from duty without approval of leave is grave misconduct and entails penal consequences. The absence of the accused officer is willful, hence the charge levelled against her stood proved. At this juncture, it is also pertinent to underscore that the profession of education is inherently noble, entailing a weighty responsibility and an obligation of care towards students. Meanwhile, the comportment of the implicated individual in the capacity of a teacher (specifically, Junior Special Education Teacher of Physically Disabled Field) in the execution of her official duties

Saima Saeed

has been markedly objectionable. This conduct is deemed prejudicial to the principles of good service conduct, in contravention of established conduct rules, unbecoming of an officer, inconsistent with the tenets of good governance, and amounts to gross misconduct in violation of the principles of service discipline.

8. **NOW THEREFORE**, I, **Saima Saeed**, Secretary Special Education / Competent Authority in the instant case, *in light of peculiar facts and circumstances of the case and reasons recorded above*, am of the considered view that the accused officer's conduct in the execution of her official duties has remained detrimental to good service discipline and constitutes gross misconduct. The record fully corroborates that the accused officer has been found guilty of charge of absence from duty and it is established from record that the absence of the accused from duty w.e.f. 03.06.2023 till date (**more than six months**) being a contract employee, is willful and intentional. Given the severity of the proven charge of absence from duty w.e.f. 03.06.2023 till date, it is observed that further retention of the accused officer will not serve any useful purpose for the department and special students, therefore, in exercise of powers vested upon me under the Section 7(f) read with Section 4 of the Act *ibid*, major penalty of "**Removal from service**" in terms of Section 4(1)(b)(v) is hereby imposed upon the accused officer and accordingly as per Clause 3(XVIII)(8) of the Contract Appointment Policy, 2004 her contract is hereby terminated.



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

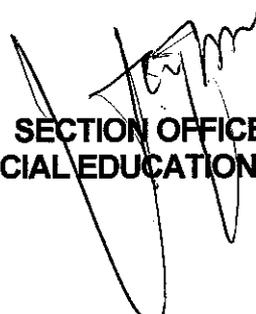
Dated Lahore, the  
January 24<sup>th</sup> /2024

**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. District Education Officer (Special Education), Sargodha.
4. Headmistress, Govt. Special Education Centre, Bhera, Sargodha to ensure delivery of this order to the accused officer at her residential and official address through all possible means including email at her official email address under intimation to this Department.

5. PS to Secretary Special Education Department, Lahore.
6. Statistical Officer, Directorate General of Special Education, Punjab, Lahore.
7. Accused officer concerned / **Ms. Mahreen Ilyas**, Junior Special Education Teacher (PD Field / BS-16), Govt. Special Education Centre, Bhera, District Sargodha. Resident of Mohallah Mustafa Abad Boota Park, Shahdara, Lahore.

  
**SECTION OFFICER (ESTT.)**  
**SPECIAL EDUCATION DEPARTMENT**