

REGISTERED



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT

PENALTY ORDER

No. SO(Estt) 20-226/2022: WHEREAS, Deputy Director (Admn), Directorate General of Special Education Punjab Lahore vide letter dated 12.09.2024 forwarded letters of District Education Officer, Sahiwal and Headmistress, Govt. Special Education Centre, Sahiwal dated 27.08.2024 wherein it was informed that **Ms. Anum Amin**, Speech Therapist (BS-17), Govt. Special Education Centre, Arifwala (**'accused officer'**), has been found absent from duty w.e.f. 15.08.2024 to date without any intimation or obtaining permission from the Competent Authority. It was also informed that the concerned Headmistress tried to contact the accused officer but her sister informed through telephonic call that she has proceeded abroad to United States of America, without seeking prior approval / NOC and ex-Pakistan leave from the Competent Authority and request was made for initiation of disciplinary proceedings against the accused officer.

2. AND WHEREAS, keeping in view the willful absence of the accused officer from duty w.e.f. 15.08.2024, other ancillary and related facts of the case and on account of availability of sufficient documentary evidence on record, *while dispensing regular inquiry*, disciplinary proceedings were initiated against the accused officer vide Show Cause Notice dated 27.11.2024 under Section 7(b) read with Section 5(1)(a) of the PEEDA Act, 2006 ('Act') on the following charge of misconduct:

"You have been found willfully absent from your official duties with effect from 15.08.2024 to date, without obtaining prior permission/approval of leave from the Competent Authority. Furthermore, you have traveled abroad to the United States of America without securing the requisite approval, No Objection Certificate (NOC), or Ex-Pakistan Leave from the Competent Authority."

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 26.02.2025, she was directed to appear before **Section Officer (Estt.-II), Special Education Department / Hearing Officer** appointed under Section 7(d) of the Act *ibid* on 04.03.2025.

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., 04.03.2025 despite intimation through service of notices of personal hearing on her residential address. For the sake of justice and to complete the hearing proceedings, the accused officer was afforded 2nd opportunity of personal hearing and she was

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directed to appear on 21.03.2025 but again she did not appear. The Hearing Officer further stated that 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. Despite observing all just, legal and codal formalities and proper intimation the accused officer did not attend the personal hearing proceedings. It was also pointed out that the hearing notices were also uploaded on the official website of Special Education Department. But despite meticulous adherence to all procedural, legal, and regulatory formalities, and despite proper information/service of notices, the accused officer failed to attend the scheduled personal hearing proceedings.

5. **AND WHEREAS**, the Hearing Officer after consulting record, observed that accused officer was appointed as Speech Therapist (BS-17) in the year 2022 on contract basis for the period of 05 years and posted at Govt. Special Education Centre, Arifwala, District Pakpattan and she is still a contract employee. The Hearing Officer further observed that the accused officer failed to furnish her written reply in response to the Show Cause Notice dated 27.11.2024. Clause-05 of the Show Cause Notice provides that *"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 and you have admitted the charge"*, 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 stands proved. The Hearing Officer further observed that the accused officer was afforded two (02) opportunities of personal hearing with the direction to appear before her but she failed to attend the personal hearing proceedings which shows that she has no supporting documents to defend her case. The Hearing Officer, after evaluating the record connected with the case, also observed that the accused officer absented herself from duty since 15.08.2024 till date (*this period spans over 08 months*) without any intimation or prior permission of the Competent Authority which is deliberate, willful and unauthorized because she is not entitled for such long leave being a contract employee. The Hearing Officer further observed that it can safely be inferred from the record that 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. The Hearing Officer concluded that the accused officer has been found guilty of misconduct on account of absence from duty and the charge stood proved against her. The accused officer is knowingly avoiding to appear for personal hearing and is delaying the finalization of disciplinary proceedings.

6. **AND WHEREAS**, upon comprehensive consideration of all relevant aspects, the material available on record, and the findings of the Hearing Officer, it has been established that the accused officer has remained willfully absent from duty w.e.f. 15.08.2024 to date. The accused has failed to produce any cogent, credible, or persuasive evidence to substantiate that her prolonged absence was either involuntary or authorized. Upon examination of the record, it is evident that no extenuating or mitigating circumstances exist that could reasonably justify her continuous absence from duty. The accused neither submitted any application seeking sanction of leave nor made any effort to inform the department regarding her absence. Furthermore, she failed to submit a written defence in response to the Show Cause Notice dated 21.11.2024, despite being explicitly directed to do so. It is pertinent to reproduce Clause 5 of the said Show Cause Notice, which 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 and you have admitted the charge.”

The accused officer's failure to submit a reply constitutes an implied admission of guilt under the principle of default admission, thereby conclusively proving the charge against her. Moreover, nothing is available on record to rebut the veracity of charge levelled against the accused officer and no document, justification or NOC has been presented on record through which it could be established that the accused officer proceeded abroad after obtaining NOC and/or ex-Pakistan leave. There is no material available on record through which the charge could be contradicted. The record further reflects that the accused officer was granted sufficient opportunities to appear for personal hearings. However, her consistent, deliberate, and willful non-appearance establishes her intention to evade the disciplinary proceedings and obstruct their lawful conclusion. If the willful absence of accused officer from duty, *which spans over more than 08 months*, is adjudged on the touchstone of provisions of Contract Appointment Policy-2004, it makes it abundantly clear that contract of the accused officer is liable to be terminated. 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 PEEDA Act, 2006 and constitutes culpable wrongdoing. The documentary record unequivocally substantiates that the accused officer is guilty of the charge of unauthorized absence from duty from 15.08.2024 to date, without obtaining prior sanction or permission from the Competent Authority.

7. **NOW THEREFORE**, I, **Shahida Farrukh Naveed**, Secretary Special Education / Competent Authority in the instant case, *for reasons recorded herein above*, am of the view that 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. 15.08.2024 till date is willful, unauthorized and not covered under the Contract Appointment Policy, 2004. The conduct of the accused towards performance of her official duty remained prejudicial to good service discipline and tantamounts to gross misconduct, therefore, keeping in view the gravity of proven charge, 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.

Shahida

(SHAHIDA FARRUKH NAVEED)
SECRETARY
GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
COMPETENT AUTHORITY

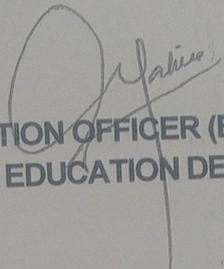
Dated Lahore, the
April 30 /2025

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), Sahiwal.

4. Headmaster / Headmistress, Govt. Special Education Centre, Arifwala 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. Statistical Officer, Directorate General of Special Education, Punjab, Lahore.
6. Accused officer concerned / **Ms. Anum Amin**, Speech Therapist (BS-17), Govt. Special Education Centre, Arifwala. **Resident of** 45-W Housing Colony Chichawatni, District Sahiwal **AND** Dakhana Khas, Chak No. 34/12 L, Tehsil Chichawatni, District Sahiwal. **Mobile No:** 03416254778, **Email:** anumdhillon44@gmail.com.
7. PS to Secretary Special Education Department, Lahore.


SECTION OFFICER (ESTT.-I)
SPECIAL EDUCATION DEPARTMENT