

REGISTERED



ORDER

GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT
31-Sher Shah Block New Garden Town, Lahore

No. LO (Writ) 1-1/2025. WHEREAS, Sajida Tabasum and Bismillah Bucha, Psychologists (Bs-17), Govt. In-Service Training College for Teachers of Disabled Children, Lahore filed appeals against the order dated 25.03.2025 passed by the Secretary, Special Education Department whereby their objection regarding the tentative seniority list dated 20.09.2024 was rejected.

2. AND WHEREAS, comments were obtained from the Administrative Department, Mr. Ali Bahadur Qazi, Secretary (Archives), S&GAD was appointed as Hearing Officer to afford personal hearing to the appellants and submit a detailed report to arrive at a definitive decision.

3. AND WHEREAS, the Secretary (Archives), S&GAD after affording personal hearing to the appellants in the presence of the Departmental Representative of the Special Education Department submitted hearing report. The appellants contended that they have been performing their duties equivalent to those of Lecturers and they should be considered for promotion as Assistant Professor (BS-18) and Principal (BS-19). They claimed that their exclusion from the seniority list is arbitrary and discriminatory. They further asserted that various categories of lecturers have been clubbed together whereas Psychologists and Speech Therapists have been omitted without justification. The appellants prayed that the tentative seniority list dated 20.09.2024 be cancelled and prepared afresh including their names at its proper place i.e. the date, on which they joined the said College for promotion as Assistant Professor (BS-18) and Principal (BS-19).

4. AND WHEREAS, on the other hand, the Administrative Department in the Note submitted that the tentative seniority list of allied professionals / Lecturers working at Government In-Service Training College Teachers of Disabled, Lahore, appointed on the recommendations of the Punjab Public Service Commission, was circulated on 20.09.2024 inviting objections, if any, within 30 days. The appellants submitted their objections against the said tentative seniority list and requested for inclusion of their names in the list at proper place. While the case was under examination, the appellants filed Writ Petition No.80496/2024 with the Lahore High Court, Lahore which directed the Secretary, Special Education Department to decide the same. In compliance, the objections filed by the appellants were considered and rejected being devoid of merit vide order dated 25.03.2025. The Administrative Department further submitted that the appellant Sajida Tabasum was appointed as Psychologist (BS-17), in the Provincial School Cadre as allied professional on contract basis for a period of five years vide letter dated 20.05.2008 and posted at Government Special Education Centre, Minchanabad, District Bahawalnagar vide order dated 24.10.2008. Later, she was transferred and posted at Government Special Education Centre, Wazirabad, District Gujranwala, on her own request, vide order dated 07.08.2009. Her services were regularized as Psychologist w.e.f. 11.05.2010 vide order dated 15.07.2010. On her own request, she was posted / adjusted against the post of Speech Therapist (BS-17), on administrative grounds, at Government Training College for the Teachers of Deaf,

Gulberg, Lahore *vide* order dated 05.11.2010. Thereafter, she was transferred and posted against the post of Psychologist (BS-17), Government In-Service Training College for the Teachers of Disabled Children, Lahore *vide* order dated 26.01.2011, on her own request, where she has been working as such till date. It is evident from the record that she was never appointed against the post of Psychologist (BS-17), created / sanctioned in Government In-Service Training College for the Teachers of Disabled Children, Lahore, rather she has been working there as such on transfer basis, which does not entitle her for seniority against that position for the purpose of promotion to a higher position in another cadre of the said institution. The Administrative Department further submitted that similar is the case of other appellant, Bismillah Bucha.

5. **AND WHEREAS**, the Administrative Department further submitted that the Government In-Service Training College for the Teachers of Disabled Children, Lahore, is the premier training institution of Special Education Department, mainly responsible for holding and conducting multiple post-induction and promotion linked trainings of officers up to BS-18 belonging to various teaching cadres, a few administrative positions and Lecturers (BS-17) appointed on the basis of initial recruitment in the College as well as Degree Colleges of Special Education. The Government In-Service Training College for the Teachers of Disabled Children, Lahore, has two main categories of employees working there. Category one is those who are appointed on the basis of initial recruitment against various positions of the College Cadre in terms of the relevant provisions of the service rules titled "The Punjab Special Education Department (Directorate General of Special Education, Punjab) Service Rules, 2021" including the Lecturers (BS-17). Such employees are eligible for assigning of seniority against the respective post in College Cadre and also for consideration of promotion against a higher post in that cadre, if available and provided in the service rules *ibid*.

6. **AND WHEREAS**, the other category is those officers who are working in the College on transfer basis. These officers are neither entitled to assigning seniority against the positions they are working on transfer basis being ex-cadre posts nor eligible for consideration for promotion against a higher post of the College Cadre. There are two sanctioned posts of Assistant Professor (BS-18) in Government In-Service Training College for the Teachers of Disabled Children, Lahore. The service rules *ibid* prescribe the manner for promotion of Lecturers appointed on initial recruitment in the College for their promotion as Assistant Professor (BS-18), in that Cadre as "By promotion on the basis of seniority-cum-fitness from amongst Lecturers (BS-17) having five years' service in the respective training college in the functional unit and having successfully completed promotion related training from Government In-Service Training College for the Teachers of Disabled Children, Lahore". The service rules *ibid* clearly stipulate that only the Lecturers (BS-17), appointed on initial recruitment basis, in the cadre of Government In-Service Training College for the Teachers of Disabled Children, Lahore, are eligible for consideration for their promotion as Assistant Professor (BS-18) and also entitled to assigning seniority in the seniority list of Lecturers of the College, in terms of Section 7 of the Punjab Civil Servants Act, 1974, read with the Rule 8 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, as well as provisions of the relevant service rules.

7. **AND WHEREAS**, moreover, the appellants have already availed the benefit of time scale personal up gradation in BS-18 upon completion of 10 years' regular service in BS-17 w.e.f. 12.05.2020, as admissible under Finance Department's policy letter dated 19.04.2019, being holders of a stagnant post having no upward promotion channel. As the post of Psychologist (BS-17) does not have an upward

promotion channel, their contention of being deprived of promotion rights lacks legal merit. Hence, neither any vested / fundamental right of the appellants has been infringed. The Administrative Department proposed to reject the appeals being devoid of merit.

8. **AND WHEREAS**, after examining the record / material available in the case file, considering the appeals of the appellants and report of the Hearing Officer, it is observed that the seniority of a civil servant on initial appointment in a service, cadre or post is governed in terms of Section 7 of the Punjab Civil Servants Act, 1974 read with the Rule 8 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 and provisions of the relevant service rules. Whereas, Section 8 of the Punjab Civil Servants Act, 1974 read with the Rule 9 & 10 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, provides for appointment of a civil servant by promotion to a post in the manner as prescribed in the relevant service rules. The Supreme Court of Pakistan in 2013 SCMR 1752 has categorically held that "seniority must be determined in the cadre to which an employee was initially appointed, and inter-cadre transfers do not confer any vested right to seniority or promotion." Since the appellants were transferred on their own requests, they cannot claim seniority in the Lecturer cadre. The preparation of the tentative seniority list was in accordance with the prevailing laws / rules. Since the service rules clearly state that promotion is only for Lecturers (BS-17) appointed on initial recruitment, the appellants' claim for inclusion of their names in the seniority list is untenable and not supported by the current applicable service rules. The appellants could not produce any material to rebut the evidence already available on record to prove their case. Thus, they failed to substantiate their stance in the appeals.

9. **NOW THEREFORE**, under the circumstances, I, **Zahid Akhtar Zaman**, Chief Secretary, Punjab, do hereby reject the appeals of **Sajida Tabasum** and **Bismillah Bucha**, being devoid of merit and substance.

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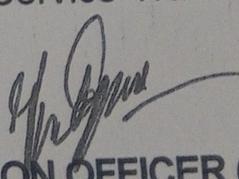
(**ZAHID AKHTAR ZAMAN**)
CHIEF SECRETARY, PUNJAB

Dated: Lahore the 27 October, 2025

No. & Date Even.

A copy is forwarded to the:

1. **Accountant General**, Punjab, Lahore.
2. **Director General**, Directorate General of Special Education, Punjab, Lahore.
3. **Deputy Secretary (Service Matters)** to Chief Secretary, Punjab w.r. to Note bearing No. 89657 dated 13.10.2025.
4. Principal Govt. In-Service Training College for Teachers of Disabled Children, Lahore to ensure delivery of this order to the petitioners under intimation to this department.
5. Ms. Sajida Tabbasum, Psychologist (BS-17), Govt. In-Service Training College for Teachers of Disabled Children, Lahore.
6. Ms. Bismillah Bucha, Psychologist (BS-17), Govt. In-Service Training College for Teachers of Disabled Children, Lahore.
7. PS to Secretary Special Education Department.


SECTION OFFICER (ESTT.-I)
SPECIAL EDUCATION DEPARTMENT