



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

ORDER

No. SO(Estt.)26-09/2010. WHEREAS, Ms. Musarrat Anwar, Computer Teacher, Govt. Special Education Centre, Hafizabad filed appeal against order dated 28.03.2023 passed by the Secretary Special Education whereby her request for regularization of her service w.e.f 11.07.2014 was rejected.

2. AND WHEREAS, comments were obtained from the Administrative Department. Mr. Kamran Abdullah Siddiqi, Member-II (Inquiries), S&GAD was appointed as Hearing Officer to afford personal hearing to the appellant and submit a comprehensive report to arrive at a definitive decision.

3. AND WHEREAS, the Member-II (Inquiries), S&GAD after affording personal hearing to appellant in the presence of the Departmental Representative of Special Education Department submitted hearing report stating therein that the appellant reiterated the points already raised in her appeal. She stated that she was recommended by PPSC as computer teacher on contract basis for a period of 05 years and posted at Govt. Institute for Slow Learners, Gujranwala. The Regulations Wing S&GAD issued a regularization policy by the order of Chief Minister, Punjab that the contract employees appointed as per service rules on the recommendation of the PPSC were to be considered for appointment on regular basis. For that purpose, the Administrative Departments were required to submit cases of employees for their appointment on regular basis to the Chief Minister through Regulations Wing S&GAD and Finance Department. The services of her batch-mates were regularized w.e.f 11.07.2014 *vide* order dated 15.10.2014 while her services were not regularized due to pending inquiry against her. She further stated that after completion of the inquiry proceedings, she was awarded minor penalties of censure and withholding of annual increments for a period of 05 years under PEEDA Act, 2006 on 17.11.2014 by the Secretary Special Education / Competent Authority. Later on, the above-mentioned penalties were set aside by the Chief Secretary / Appellate Authority on 10.02.2016. She further stated that her services were regularized with immediate effect on 08.09.2016 by the then Secretary Special Education / Competent Authority instead of 11.07.2014 when her batch mates were regularized. She prayed that her services might be regularized from the date when her batch-mates were regularized i.e., 11.07.2014.

4. AND WHEREAS, on the other hand, the Departmental Representative stated that the appellant was appointed as Computer Teacher (BS-16) on contract basis for a period of five years in the Special Education Department *vide* order dated 28.12.2010 and she was posted at Govt. Institute for Slow Learners Gujranwala. Joint disciplinary proceedings were initiated against the appellant and one Syed Nihal Mehdi, Junior Clerk, Government

Special Education Centre for Mentally Challenged Children, Gujranwala by the Secretary Special Education / Competent Authority *vide* order dated 14.05.2014 under the PEEDA Act, 2006. Thus, an inquiry committee was constituted to proceed against both the accused officer / official on the charge of misconduct. In the meanwhile, the Special Education Department initiated summary for Chief Minister, Punjab for seeking approval regarding regularization of contract employees working in Special Education Department in the light of Regularization Policy dated 01.03.2013 issued by the Services & General Administration Department. After approval of the Chief Minister, Punjab, the services of employees of the Special Education were regularized w.e.f. 11.07.2014 *vide* order dated 15.10.2014 but the services of the appellant were not regularized due to pending disciplinary proceedings against her. The Inquiry Committee submitted inquiry report to the Secretary Special Education / Competent Authority who after hearing the appellant, imposed penalties *vide* order dated 07.11.2014. Feeling aggrieved, the appellant filed a departmental appeal before the Chief Secretary, Punjab / Appellate Authority and the Chief Secretary, Punjab accepted her appeal *vide* order dated 10.02.2016 by setting aside the penalties of “*censure*” and “*withholding of increment for a period of 05 years*”. Afterwards, the appellant filed an application for regularization of her services, whereupon, Special Education Department, sought advice from the Regulations Wing of S&GAD *vide* letter dated 27.10.2015 and regularized the services of the appellant with immediate effect *vide* order dated 08.09.2016. Feeling aggrieved, the appellant filed application for regularization of her services w.e.f. 11.07.2014 when the services of her batch-mates were regularized. The appellant filed Writ Petition No.43177/2020 with the Lahore High Court, Lahore which was disposed of by the Hon’ble Court on 09.09.2022 with the direction to the Secretary Special Education to decide the representation of the petitioner in accordance with law. Pursuant thereto, the Secretary Special Education afforded personal hearing to the appellant and after hearing the appellant, disposed of the application of the appellant, *vide* order dated 19.12.2022, with the direction to approach Regulations Wing, S&GAD for soliciting advice. The Regulations Wing, S&GAD, *vide* letter dated 09.01.2023, has furnished advice that regularization of a contract employee shall be considered with immediate effect with reference to Punjab Regularization of Service Act, 2018. There is no provision for regularization of service from retrospective date in any law. Consequent upon the receipt of advice from the Regulations Wing, S&GAD, the Secretary Special Education / Competent Authority rejected the claim of the appellant *vide* order dated 23.08.2023.

5. AND WHEREAS, after examining the record / material available in the case file, considering contents of the appeal and report of the Hearing Officer, it is observed that as per existing policy of the Punjab Government, regularization is invariably allowed with immediate effect. There is no provision for regularization of service from retrospective date in any law / policy / rules. Further, the Supreme Court of Pakistan in its judgments dated 10.03.2021 & 25.03.2021 has also held that regularization of a contract employees shall be with immediate effect. Thus, the appeal of the appellant is liable to be rejected.

6. **NOW THEREFORE**, under the circumstances, I, **Zahid Akhtar Zaman**, Chief Secretary, Punjab, do hereby **reject** the appeal of **Musarrat Anwar**, being devoid of merit and contrary to the law / rules.

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(ZAHID AKHTAR ZAMAN)
CHIEF SECRETARY, PUNJAB

Dated: Lahore the 31th July, 2023

No. & Date Even.

A copy is forwarded to the:

1. The Director General, Directorate General of Special Education, Punjab, Lahore.
2. The Deputy Secretary (Service Matters) to Chief Secretary, Punjab w.r. to Note dated 13.07.2023.
3. The District Education Officer (Special Education), Gujranwala with the request to ensure delivery of this order to the appellant under intimation to this department.
4. Appellant concerned / **Ms. Musarrat Anwar**, Computer Teacher (BS-16), Govt. Special Education Centre, Hafizabad, Resident of House No. 4, Street No.3 Mohallah Ida-13 Muhammad Pura, Lal Pull, Mughal Pura, Lahore.
5. PS to Secretary Special Education Department.


(GHULAM FATIMA BANDIAL)
SECTION OFFICER (ESTT.)