



ORDER

No. SO(Estt)10-646/2014. WHEREAS, Ms. Sobia Younas, Senior Special Education Teacher (PD/BS-17), previously posted as Deputy District Education Officer (Spl. Edu.), Gujranwala ('accused officer') was granted Ex-Pakistan leave (without pay) w.e.f 16.09.2021 to 31.10.2022 vide order dated 14.09.2021, subject to the condition that on expiry of said leave, she will not be allowed any extension in leave on any ground. But on expiry of said leave, the accused officer filed an application for extension of leave w.e.f 01.11.2022 to 31.10.2023 which was rejected by the Competent Authority vide letter dated 10.03.2023. The accused officer was also directed vide letter dated 10.03.2023 to report to Administrative Department with immediate effect but despite lapse of considerable time she failed to report to department. Hence, she committed defiance of order of the Competent Authority and was also found willfully absent from duty w.e.f. 01.11.2022 to date without any intimation or prior permission. As per record, District Education Officer (Spl. Edu.), Gujranwala vide letter dated 25.08.2023 also informed that the accused officer did not join duty at her previous place of posting i.e., District Education Office (Spl. Edu.), Gujranwala.

2. **AND WHEREAS,** keeping in view the 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 **05.10.2023** 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 Ex-Pakistan leave (without pay) w.e.f 16.09.2021 to 31.10.2022 vide order dated 14.09.2021, subject to the condition that on expiry of said leave, you will not be allowed any extension in leave on any ground. But on expiry of said leave, you filed an application for extension of leave w.e.f 01.11.2022 to 31.10.2023 which was rejected by the Competent Authority vide letter dated 10.03.2023. You were also directed vide letter dated 10.03.2023 to report to Administrative Department with immediate effect but despite lapse of considerable time you have failed to report to department. Hence, you have defied the order of Competent Authority and have been found willfully absent from duty w.e.f. 01.11.2022 to date without any intimation or prior permission."

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 **Deputy Secretary Special Education / Hearing Officer** appointed under Section 7(d) of the Act *ibid* on 13.11.2023.

Laina Saeed

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 2nd 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. The Hearing Officer further stated that keeping in view willful absence of the accused officer from appearance, last and final opportunity of hearing was granted to her and she was directed vide letter dated 06.12.2023 to appear on 15.12.2023. The personal hearing notice alongwith previous correspondence including Show Cause Notice was sent to the accused officer on her residential address. An email was also 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/PH Field) on contract basis for a period of five years vide order dated 30.06.2015 and posted at Govt. Special Education Centre, Kharian, District Gujrat and later on her services were regularized vide order dated 11.12.2019. The accused officer was transferred and posted as Deputy District Education Officer (Spl. Edu.), Gujranwala vide order dated 23.10.2018. Later on, she was transferred and posted at Govt. Special Education Centre, Kalar Kahar, District Chakwal vide order dated 20.12.2019. Vide order dated 08.01.2020 she was transferred and posted as Deputy District Education Officer (Spl. Edu.), Gujranwala. The accused officer applied for grant of 411-days Ex-Pakistan leave (without pay) w.e.f 16.09.2021 to 31.10.2022 which was granted vide order dated 14.09.2021 to visit United Kingdom. As per the terms settled after expiry of the leave the accused officer was bound to join her duties w.e.f 01.11.2022. However, she neither reported for duty on the stipulated date nor intimated the authorities and remained wilfully absent from duties w.e.f 01.11.2022 till date. The accused officer filed an application dated 17.10.2022 for extension in leave for one-year w.e.f. 01.11.2022 to 31.10.2023 which was received in this department from Directorate General of Special Education through letter dated 20.01.2023. After examination, the said application for extension was rejected by the Competent Authority and the decision was communicated to the accused officer vide letter dated 10.03.2023. By not resuming duties after expiry of leave and rejection of application for further leave, the accused officer has also violated the commitments made by her and as also outlined in the Affidavit submitted by her while seeking sanction of leave. Clause 1 of the Surety Bond and Clause 3 and 5 of the Affidavit expressly state that upon the expiration of leave, the accused officer will return to Pakistan and resume her duties within the department.

6. **AND WHEREAS**, the Hearing Officer further observed that the accused officer was afforded three (03) opportunities of personal hearing with the direction to appear to rebut the charge but she remained 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 Notices were delivered to the accused officer at her residential address 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 Cause Notice dated 05.10.2023. Clause 5 of the Show Cause Notice provides that "Your reply to Show Cause Notice should reach the undersigned,

Latina Saeed

within the said period failing which it shall be presumed that either you have no defence to offer." 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. The Hearing Officer further observed that if the available record is examined keeping in view the conduct of the accused officer and violation of settled 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. As per record, no circumstances extenuating in nature exists in favour of the accused officer through which it can be deduced that absence of the accused officer for more than one year is due to circumstances which are beyond her control. 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.

7. **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. 01.11.2022 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. 01.11.2022 without prior approval / permission of Competent Authority. It is further noted that Section 7(f) of the PEEDA Act, 2006 provides as under;

(f) *impose any one or more penalties mentioned in section 4, by an order in writing, if the charge or charges are proved against the accused:*

Provided that—

- (i) *where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any; and*
- (ii) where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused.**

The accused officer also failed to file her defense reply in response to the Show Cause Notice dated 05.10.2023. Clause 5 of the Show Cause Notice reads as under;

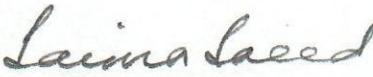
"5. Your reply to Show Cause Notice should reach the undersigned, within the said period failing which it shall be presumed that either you have no defence to offer."

Lavina Saheed

Admittedly, 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. As per record, the accused officer was provided ample opportunities of personal hearings but 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.

8. **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. 01.11.2022 till date (**for more than one year**). 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.

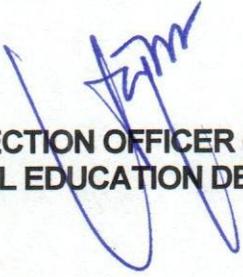
Dated Lahore the
January 08th, 2024


(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), Gujranwala to ensure delivery of this order to the accused officer on her official and residential address under intimation to this department.
5. Accused officer concerned / **Ms. Sobia Younas, Senior Special Education Teacher (PD/BS-17), previously posted as Deputy District Education Officer (Spl. Edu.), Gujranwala, Resident of Care of Muhammad Younas Cheema, Mohallah Chemyan Wala, Trigrhi Road, P/o Aroop, Gujranwala.**
6. P.S. to Secretary Special Education Department.
7. Office File.


SECTION OFFICER (ESTT.)
SPECIAL EDUCATION DEPARTMENT