



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT
31-Sher Shah Block New Garden Town, Lahore
Dated Lahore the February, 03, 2021

ORDER

No. SO(Estt.)1107(M1)A.I(FG). WHEREAS, Ms. Samina Faisal, Assistant / Data Entry Operator, Govt. Vocational Training Centre for Disabled Persons, Faisalabad filed appeal against the letter dated 03.11.2017, whereby the Appellant was informed that her representation for up-gradation to BS-14 and BS-16 cannot be considered. Simultaneously, the Appellant filed appeal No. 1821/2018 in the Punjab Service Tribunal and the Tribunal vide order dated 18.06.2019 disposed of the same with the following observations:-

“xxxx. Chief Secretary Punjab is directed to decide the appeal after affording the appellant a fair opportunity of hearing and consulting the case with Finance Department.”

2. AND WHEREAS, comments on appeal of the Appellant were obtained from the Administrative Department. The Secretary (Regulations) S&GAD was appointed as Hearing Officer to afford an opportunity of personal hearing to the Appellant, in the presence of Departmental Representatives of Special Education and Finance Departments and submit a detailed report to arrive at a definitive decision.

3. AND WHEREAS, the Secretary (Regulations), S&GAD after affording personal hearing to the Appellant in the presence of Departmental Representatives of Special Education and Finance Departments submitted report of hearing proceedings stating therein that during hearing proceedings, Appellant reiterated the points raised in her appeal and stated that she was appointed as Assistant / Data Entry Operator (BS-11) on 27.07.2005 in Directorate General of Special Education, Government of

Pakistan, Islamabad. Under 18th amendment, her services were placed at the disposal of Government of the Punjab vide order dated 02.04.2011. She contended that Government of Pakistan, Finance Division, Islamabad vide notification dated 10.09.2007 upgraded the post of Assistant to BS-14. Similarly, Govt. of the Punjab also upgraded the said post to BS-16 but the Special Education Department without any justification rejected the representation vide impugned letter dated 03.11.2017. She further contended that out of six similarly devolved employees, three have already been granted BS-15 and prayed that the impugned letter may be set aside and she may also be granted BS-15 from the date when other similar devolved employees were granted BS-15. The Departmental Representative stated that the Appellant was working in Directorate of Special Education, Government of Pakistan, Islamabad for about six years. After devolution, the services of the devolved employees, including the Appellant were transferred to Government of the Punjab and subsequently merged in 2016. The post of Assistant / Head Clerk is different from the post of Assistant / Data Entry Operator because roles, responsibilities and job description of both posts are different. The Departmental Representative of Finance Department stated that claim of the Appellant for up-gradation w.e.f. 01.07.2007 is not covered under the policy of Government of the Punjab. The Appellant should settle her claim first with the Federal Government when posts were up-graded by the Federal Government. Afterwards, if necessary, she may approach Government of the Punjab. The Secretary (Regulations) S&GAD / Hearing Officer observed that the matter needs further deliberation as relief has been granted to three out of six devolved employees and the case of the Appellant has not been taken into consideration for the same relief.

4. **AND WHEREAS**, after examining the record / material available in the case file, considering the appeal of the Appellant and report of Hearing Officer, I am of

the view that the facts brought before the Hearing Officer requires further deliberation, taking into consideration the benefit given to the similarly placed colleagues of the Appellant.

5. **NOW THEREFORE**, under the circumstances, I, Jawwad Rafique Malik, Chief Secretary, Punjab, do hereby remand the case to the Secretary Special Education with the observation to decide the matter in consultation with Finance Department.

(JAWWAD RAFIQUE MALIK)
CHIEF SECRETARY PUNJAB


(SYED JAVED IQBAL BOKHARI)
SECRETARY SPECIAL EDUCATION

No. & Date Even.

A copy is forwarded to the:-

1. The Registrar, Punjab Service Tribunal w/r to Appeal No. 1821/2018.
2. Personal Staff Officer to Chief Secretary, Punjab.
3. Accountant General, Punjab, Lahore.
4. Director General, Special Education, Punjab, Lahore.
5. District Education Officer (Special Education), Faisalabad.
6. Appellant concerned.
7. PS to Secretary Special Education Department.
8. Master File.


SECTION OFFICER (ESTT).