



**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.)20-52/2014. WHEREAS, Ms. Hina Khalid, Speech Therapist, Govt. Deaf & Defective Hearing School for Boys, Swan Camp, Rawalpindi filed appeal against the order dated 12.03.2020 passed by the Secretary Special Education whereby representation of the Appellant against transfer order dated 14.02.2020 was rejected. Simultaneously, the Appellant also filed Appeal No. 2687 / 2020 in the Punjab Service Tribunal and the Tribunal vide order dated 20.03.2020 disposed of the same with the following observations: -

“xxxx. Respondent No. 1 (Chief Secretary, Punjab, Lahore) is directed to decide the departmental appeal, after hearing the appellant.”

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

3. **AND WHEREAS**, the Secretary (Regulations), S&GAD after affording personal hearing to the Appellant in the presence of Departmental Representative of Special Education Department submitted report of hearing proceedings stating therein that during hearing proceedings, the Appellant reiterated the points raised in her appeal and contended that she was performing her duties honestly and diligently without any complaint at Rawalpindi but she has been transferred to Govt. Special Education Centre, Fateh Jang, District Attock vide order dated 14.02.2020 without any cogent reason. Against the said order, she filed Writ Petition No. 545/2020 in the Honorable Lahore High Court, Rawalpindi Bench, Rawalpindi which was disposed of vide order dated 25.02.2020 with the direction to the Secretary Special Education to decide the matter after hearing the Appellant. However, the Secretary Special Education rejected

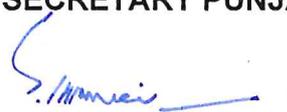
the representation without considering the facts vide impugned order dated 12.03.2020. The Appellant prayed that the impugned order may be set aside and she may be allowed to continue at her present place of posting at Rawalpindi. The Departmental Representative stated that he Appellant was appointed as Speech Therapist (BS-17) on contract basis for a period of five years and posted at Govt. Special Education Centre, Talagang, District Chakwal. Thereafter, she was transferred to Govt. Deaf & Defective Hearing School for Boys, Swan Camp, Rawalpindi vide order dated 24.10.2016. After completion of tenure of more than three years, the Appellant was transferred, on administrative grounds and posted at Govt. Special Education Centre, Fateh Jang, District Attock vide order dated 14.02.2020. Feeling aggrieved, the Appellant filed Writ Petition No. 545/2020 in Lahore High Court, Rawalpindi Bench, Rawalpindi which was disposed of vide order dated 25.02.2020 with the directions to the Secretary Special Education to decide the matter, after affording personal hearing to the Appellant. Accordingly, the Appellant was afforded personal hearing and it was observed that total tenure of the Appellant at Govt. Deaf & Defective Hearing School for Boys, Swan Camp, Rawalpindi was more than three years, therefore, Secretary Special Education rejected representation of the of the Appellant vide impugned order dated 12.03.2020. According to the Departmental Representative, appeal of the Appellant is liable to be rejected being devoid of merit. The Secretary (Regulations) S&GAD / Hearing Officer observed that during hearing, the Appellant has not produced any material to substantiate her stance.

4. **AND WHEREAS,** after examining the record / material available in the case file, considering appeal of the Appellant and report of hearing proceedings of the Hearing Officer, I am of the view that the Appellant was transferred on administrative grounds, after completion of reasonable tenure of more than three years. The Competent Authority has, therefore, rightly passed the impugned order in accordance with law. During hearing proceedings before the Hearing Officer, the Appellant has not produced any evidence to rebut the evidence already available on record. The Appellant has failed to substantiate her stance in her appeal. Under Section 9 of the Punjab Civil Servants Act, 1974 every civil servant shall be liable to serve anywhere within or outside the province at any post. Even otherwise, no civil servant has a vested right for posting

of his own choice.

5. **NOW THEREFORE**, under the circumstances, I, Jawwad Rafique Malik, Chief Secretary, Punjab, do hereby reject the appeal of Ms. Hina Khalid, being devoid of merit and not covered under the law / rules.

(JAWWAD RAFIQUE MALIK)
CHIEF SECRETARY PUNJAB


(SYED JAVED IQBAL BOKHARI)
SECRETARY SPECIAL EDUCATION

No. & Date Even.

A copy is forwarded to the:-

1. Personal Staff Officer to Chief Secretary, Punjab.
2. Accountant General, Punjab, Lahore.
3. Director General, Directorate General of Special Education, Punjab.
4. District Education Officer (Special Education), Lahore & Rawalpindi.
5. Appellant concerned.
6. PS to Secretary Special Education Department.
7. Master File.


SECTION OFFICER (ESTT).