

REGISTERED



ORDER

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

SO(Estt)22-6/2010. WHEREAS, Amina Ishfaq, ex-Junior Special Education Teacher resident of village Alipur, Post Office, Thokhar Niaz Beg, Raiwind Road, Lahore filed appeal on 18.01.2024 against order dated 28.08.2023 passed by the Secretary, Special Education Department / Competent Authority whereby *major penalty* of "removal from service" was imposed upon the appellant under the PEEDA Act, 2006.

2. **AND WHEREAS**, comments were obtained from the Administrative Department. Mr. Ali Bahadur Qazi, Member-I, (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-I, (Inquiries), S&GAD after affording personal hearing to the 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 contended that the impugned order passed by the authority back dated and only on the basis of grudge. She stated that the impugned order was not served to her in time and she received it on 09.01.2024 through court when the appeal was pending before the Punjab Service Tribunal Lahore. She stated that the inquiry proceedings were not conducted according to the PEEDA Act, 2006. She prayed that the impugned order dated 28.08.2023 may be set aside with all back benefits.

4. **AND WHEREAS**, On the other hand, the Departmental Representative stated that the appellant was appointed as Junior Special Education Teacher (Mentally Challenged Field) (BS-16) on contract basis for a period of five years *vide* order dated 06.01.2011 and posted at Government Special Education Centre, Qila Didar Singh, District Gujranwala. She was transferred to Government Special Education Centre, Shalimar Town, Lahore on her own request *vide* order dated 14.06.2011. Her services were regularized w.e.f. 11.07.2014. She was transferred to Govt. Special Education Center, Kahuta District Rawalpindi on administrative grounds *vide* order dated 21.02.2020. The appellant was relieved from duty on 25.02.2020. Feeling aggrieved by the transfer order dated 21.02.2020, the appellant filed departmental appeal before Chief Secretary, Punjab / Appellate Authority and simultaneously filed Appeal No.992/2020 in the PST which was disposed of *vide* order dated 26.02.2020 with direction to Chief Secretary to decide pending appeal. The appellant, there-after filed CM No.590/2020 in Appeal No.992/2020 which was disposed of by the PST *vide* order dated 19.06.2020. Subsequently, Chief Secretary, Punjab / Appellate Authority *vide* order dated 01.02.2021 disposed of the appeal of the appellant and remanded the case to Secretary Special Education. Pursuant to the directions of Chief Secretary, the appellant was granted personal hearing on 26.02.2021, after hearing the appellant and considering all the aspects, material relating to the case, verbal submissions of the appellant and position of vacant posts nearest to the home station of the appellant, Secretary Special Education / Competent Authority transferred the appellant to Govt.

Special Education Centre, Daska, District Sialkot *vide* order dated 12.03.2021. The appellant again filed departmental appeal before the Chief Secretary against order dated 12.03.2021 and also filed Appeal No.1216/2021 before the PST which was disposed of *vide* order dated 29.03.2021 with direction to Chief Secretary to decide the pending departmental appeal of the appellant. The Chief Secretary, Punjab rejected the departmental appeal of the appellant *vide* order 17.11.2021. The appellant failed to join her new place of posting at Govt. Special Education Centre, Daska, District Sialkot, despite rejection of her departmental appeal by the Chief Secretary, Punjab *vide* order dated 17.11.2021 hence, the appellant was found absent from duty w.e.f. 18.11.2021. On the basis of documentary evidence available on record, disciplinary proceedings were initiated against the appellant *vide* show-cause notice dated 03.02.2023 on the charge of misconduct, on account of absence from duty. The appellant was directed to submit defence reply but she did not do so. Therefore, in order to finalize the disciplinary proceedings, she was directed to appear before the Deputy Secretary Special Education / Hearing Officer on 16.03.2023 *vide* letter dated 06.03.2023. The Hearing Officer after affording personal hearing to the appellant, submitted hearing report concluding therein that the charge of the misconduct leveled against the appellant is based on record and is proved. The appellant failed to vindicate her stance and to prove her innocence. After fulfilling all codal formalities, major penalty of "removal from service" was imposed upon the appellant *vide* order dated 28.08.2023.

5. **AND WHEREAS**, after examining the record / material available in the case file, considering the arguments presented by the appellant and the report of the Hearing officer, it is observed that the appellant was bound to submit departmental appeal within thirty (30) days of receipt of the impugned order but she did not submit appeal before the Chief Secretary within the stipulated time. Hence, her appeal is time barred by three and half months and as per provision of section 16 (1) of the PEEDA Act, 2006, the appeal is not maintainable. Moreover, no plausible evidence has been brought on record by the appellant to rebut the evidence already available on record. Section 7(f)(ii) of the Act *ibid* provides that "*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 Secretary Special Education Department / Competent Authority has therefore rightly imposed the impugned penalty upon her. The appellant failed to substantiate her stance in the appeal.

6. **NOW THEREFORE**, under the circumstances, I, **Zahid Akhtar Zaman**, Chief Secretary, Punjab, in exercise of powers conferred upon me under Section 16 of the PEEDA Act, 2006, do hereby **reject** the appeal of **Amina Ishfaq**, being time barred as well as devoid of merit and substance.

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(ZAHID AKHTAR ZAMAN)
CHIEF SECRETARY, PUNJAB

Dated: Lahore the 29 March, 2024

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 dated 28.03.2024.
4. District Education Officer (Special Education), Gujranwala to ensure delivery of this order to the appellant on her residential address i.e., **Ms. Amina Ishfaq, ex-Junior Special Education Teacher (MC Field/BS-16), Govt. Special Education Centre, Daska District Sialkot. Resident of Ali Pur, Post Office, Thokar Niaz Baig, Near Tariq General Store, Ali Raza Abad, Raiwind Road, Lahore,** under intimation to this department.
5. District Education Officer (Special Education), Lahore to ensure delivery of this order to the appellant on her residential address i.e., **Ms. Amina Ishfaq, ex-Junior Special Education Teacher (MC Field/BS-16), Govt. Special Education Centre, Daska District Sialkot. Resident of Ali Pur, Post Office, Thokar Niaz Baig, Near Tariq General Store, Ali Raza Abad, Raiwind Road, Lahore,** under intimation to this department.
6. Headmaster/Headmistress, Govt. Special Education Centre, Daska District Sialkot to ensure delivery of this order to the accused officer at her residential and official addressed through all possible means including whatsapp and email at her official email address under intimation to this Department.
7. Appellant concerned / **Ms. Amina Ishfaq, ex-Junior Special Education Teacher (MC Field/BS-16), Govt. Special Education Centre, Daska District Sialkot. Resident of Ali Pur, Post Office, Thokar Niaz Baig, Near Tariq General Store, Ali Raza Abad, Raiwind Road, Lahore.**
8. PS to Secretary Special Education Department.



SECTION OFFICER (ESTT.)
SPECIAL EDUCATION DEPARTMENT