

**PENALTY ORDER**

No. SO(Estt)21-182/2010. WHEREAS, Ms. Aiza Javed, Psychologist (BS-17), previously posted at Govt. Special Education Centre, Raiwind, District Lahore, while in service, applied for grant of Ex-Pakistan Extraordinary Leave (without pay) for a period of 730 days, w.e.f. 01.09.2023 to 31.08.2025, which was sanctioned by the Competent Authority vide order dated 24.08.2023, subject to the express condition that she shall report for duty immediately upon its expiry.

2. **AND WHEREAS**, notwithstanding the aforesaid explicit condition, the accused officer failed to resume her duties on expiry of the sanctioned leave and has since remained continuously absent from duty w.e.f. 01.09.2025 to date, without obtaining any lawful sanction, permission, or approval of leave from the Competent Authority.

3. **AND WHEREAS**, in view of the foregoing, and in view of the sufficiency of the documentary evidence already available on record, the requirement of a regular inquiry was dispensed with under Section 5(1)(b) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 ("Act"), and disciplinary proceedings were initiated against the accused officer under Section 7(b) read with Section 5(1)(a) of the Act on the following charge of misconduct:

"You have been found willfully absent from your duty w.e.f. 01.09.2025 till to date without prior permission / approval of leave by the Competent Authority."

4. **AND WHEREAS**, a Show Cause Notice dated 27.07.2026 was served upon the accused officer, requiring her to submit a written explanation within seven (07) days as to why a penalty under Section 4 of the Act should not be imposed upon her; she, however, failed to submit any reply within the period allowed or thereafter.

5. **AND WHEREAS**, notwithstanding her failure to reply, she was afforded an opportunity of personal hearing under Section 7(d) of the Act *ibid*, and was directed, vide letter dated 10.08.2026, to appear before the undersigned on 25.08.2026 at 10:50 A.M. The accused officer did not appear on the said date; instead, she tendered a resignation from her post. A further and last opportunity of personal hearing was thereafter afforded to her vide letter dated 31.08.2026, directing her to appear on 15.09.2026 at 10:25 A.M., with a clear caution that the case would be decided on the available record in the event of her continued non-appearance. The accused officer again failed to appear.

6. **AND WHEREAS**, the undersigned has given due consideration to the entire record, including the order sanctioning Ex-Pakistan Extraordinary Leave and the condition attached thereto, the direction to resume duty on its expiry, the continued and unauthorized absence of the accused officer, the Show Cause Notice and her failure to respond thereto, the two opportunities of personal hearing afforded and her non-appearance on both occasions, and the resignation tendered by her through proper channel during the pendency of these proceedings.

7. **AND WHEREAS**, the record establishes that the accused officer was fully aware of the terms of the leave sanctioned in her favour and was expressly directed to resume duty upon its expiry; her obligation to report back was, therefore, neither ambiguous nor conditional. The grant of a substantial period of Ex-Pakistan Extraordinary Leave did not confer upon her any continuing or indefeasible right to remain away from duty beyond the sanctioned term. Once that term expired, her continued absence required fresh and prior authorization, which was neither sought nor granted, and her omission to resume duty amounts to a conscious and sustained defiance of the lawful authority of the Competent Authority.

8. **AND WHEREAS**, the failure of the accused officer to respond to the Show Cause Notice, and her failure to avail either of the two opportunities of personal hearing duly afforded to her, are material circumstances that have been taken into account. The Department having made repeated and genuine efforts to hear her, she cannot now be heard to complain of an inadequate opportunity, and the matter has accordingly been decided on the basis of the documentary record available.

9. **AND WHEREAS**, on an objective and cumulative assessment of the record, the charge of wilful and unauthorized absence, spanning a continuous period exceeding twelve (12) months, stands duly established against the accused officer. Having regard to the nature and duration of the misconduct, the repeated opportunities extended to her, and the resignation subsequently tendered signifying her own disengagement from service, the undersigned is of the considered view that the ends of justice would be adequately served by imposition of penalty.

10. **AND WHEREAS**, during the pendency of the aforesaid disciplinary proceedings, the accused officer, vide her letter received in this Department, tendered her resignation from the post of Psychologist (BS-17), citing personal reasons and her inability to resume duty, and requested its acceptance. The said request has been examined in light of the policy instructions of the Regulations Wing, Services & General Administration Department, Government of the Punjab, issued vide letter No. SOR-I(S&GAD)1-13/2004 dated 16.03.2004 and reiterated vide Circular No. SOR-I(S&GAD)2-2/2012 dated 10.10.2013, whereunder a resignation tendered during the pendency of disciplinary proceedings cannot be accepted prior to the conclusion of such proceedings and the passing of a final order therein.

11. **AND WHEREAS**, the resignation in question was tendered after initiation of disciplinary proceedings and while the charge against the accused officer was still under consideration; its acceptance at this stage would have the effect of terminating the proceedings without a determination of the alleged misconduct, contrary to the aforesaid policy instructions. Resignation and disciplinary proceedings operate in distinct spheres, the former pertains to voluntary relinquishment of service, subject to acceptance under the applicable rules, while the latter pertains to determination of liability for misconduct committed during service, and the latter cannot be defeated merely by the tendering of a resignation after proceedings have commenced.

12. **NOW THEREFORE**, I, **Shoaib Iqbal Syed**, Secretary, Special Education Department / Competent Authority, in exercise of the powers conferred under Section 4 read with Section 7 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006, and after careful and objective consideration of the entire record, hereby hold the charge of unauthorized absence from duty proved against the accused officer, and impose upon her the minor penalty of "**Censure**" under Section 4(1)(a)(i) of the Act *ibid*.

13. It is further ordered that the period of unauthorized absence w.e.f. 01.09.2025 till the date of this order, a period exceeding twelve (12) months, shall be treated as Extra Ordinary Leave (EOL) without pay. The resignation tendered by the accused officer shall be examined and decided separately, in accordance with law, the applicable rules, and the Government instructions referred to above. Nothing contained in this order shall be construed as an acceptance, express or implied, of the said resignation.

14. This order shall take effect forthwith.

Dated Lahore, the
September 18, 2026

(SHOAIB IQBAL SYED)
SECRETARY
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. District Education Officer (Special Education), Lahore to ensure delivery of this order to the accused officer under intimation to this department.
4. Headmaster / Headmistress, Govt. Special Education Centre, Raiwind, District Lahore with the direction to ensure the delivery of this order at residential address of the accused officer through all possible means, under intimation to this department.
5. Ms. Aiza Javed, Psychologist (BS-17), R/o House No. F-132, PIA Housing Society, Lahore.
6. PS to Secretary Special Education Department

SECTION OFFICER (ESTT.-I)
SPECIAL EDUCATION DEPARTMENT