



No. SO(Estt.)21-344/2018. WHEREAS, Deputy Director (Admn.), Directorate General of Special Education Punjab, Lahore vide letter dated 30.11.2023 forwarded the report of District Education Officer (Spl.Edu), Sahiwal dated 18.11.2023 and report of Principal, Govt. Higher Secondary School of Special Education (H.I), Farid Town, Sahiwal dated 15.11.2023 whereby it was informed that **Ms. Saira Yousaf**, Pyschologist (BS-17), Govt. Higher Secondary School of Special Education for Hearing Impaired, Sahiwal (**'accused officer'**) did not join her duties after summer vacations 2023. She sent request for grant of causal leave w.e.f. 21.08.2023 to 23.08.2023 and after that she has been continuously sending medical reports through Whatsapp. It was further reported that the accused officer is a habitual leave hunter and not interested in performance of her official assignments/duties. On one hand she has sent medical reports but on the other hand she attended the live Programme "Bolta Lahore" on Lahore Rang HD Channel without getting prior approval from the Competent Authority. She was also issued explanation on 26.09.2023 but she did not reply the same and continued to remain absent from duty without any intimation.

2. **AND WHEREAS**, given the facts of the case and keeping in view the willful absence of the accused officer from duty and availability of sufficient documentary evidence on record, *while dispensing regular inquiry*, disciplinary proceedings were initiated against the accused officer vide Show Cause Notice dated 03.01.2024 under Section 7(b) read with Section 5(1)(a) of the PEEDA Act, 2006 (**'Act'**) on the following charges of misconduct:

- i. You have been found willfully absent from your duties w.e.f. 24.08.2023 till date without prior permission / approval of leave by the Competent Authority which manifestly shows your irresponsible behavior towards discharge of your official duties.***
- ii. That you attended the live Programme "BOLTA LAHORE" on Lahore Rang HD Channel without getting prior approval from the competent authority and while doing so, you have violated the Punjab Government Servants (Conduct) Rules, 1966.***

3. **AND WHEREAS**, through the above said Show Cause Notice, the accused officer was directed to submit her written reply within 07-days. The accused officer submitted written reply which was considered and found unsatisfactory, therefore, in order to finalize the disciplinary proceedings, the accused officer was granted opportunity of personal hearing under Section 7(d) of Act *ibid* and for this purpose she was directed to appear before the Additional Secretary, Special Education / Hearing Officer appointed under Section 7 (d) of the Act *ibid* on 23.01.2024.

4. **AND WHEREAS**, the Hearing Officer after affording an opportunity of personal hearing to the accused submitted hearing report whereby, she observed that the accused officer was appointed to the position of Psychologist and assigned to the Government Special Education Centre located in Chichawatni Sahiwal. This appointment transpired on contractual basis, spanning a duration of five years. The regularization of her services was effectuated through an official order issued on the 11th of May, 2023. The written response submitted by the accused officer delineates her denial of the charges, asserting that her absence from duty was not deliberate or intentional but rather attributable to medical and health issues, along with extenuating circumstances beyond her control. To substantiate her position, she indicated that she had transmitted her medical certificates to the Principal concerned through postal mail and also via WhatsApp. However, she contends that the Principal concerned, *for reasons unknown*, has failed to forward these medical documents to the department. Additionally, the accused officer maintains that the Principal concerned, contrary to the provisions outlined in Rule 20(2) and 35 of the Revised Leave Rules, 1981, inaccurately reported her absence instead of facilitating or requesting leave on medical grounds. The Hearing Officer further stated in her report that the accused officer was categorically asked whether she submitted any application for grant of medical leave, duly addressed to the Competent Authority, along with the medical certificate forwarded by her to the Principal of her School, from time to time both electronically i.e., through Whatsapp or by post. In response to the question posed, she admitted that she did not submit any such application for grant of leave. She was then asked that submission of application is integral requirement for processing of the case for grant of any kind of leave, and the same was also required in her case but why she continued sending her medical reports to the Principal without any application. In response, she replied that she could not do so due to her health condition and moreover, as per her understanding it was not also required because she kept her Principal informed of her health issue by sending medical reports. The accused officer voluntarily stated that she resumed her duties at

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her place of posting on 08.12.2023 and due to her bad state of health she had to again proceed on leave and now presently she is on medical leave. The accused officer was confronted with a query that when she resumed her duties at her place of posting whether she filed any application for *ex-post facto* sanction of her medical leave. The reply of the accused officer was in negative. The accused officer was further asked that as per her own statement she is presently on leave so whether she has filed any application for grant of leave or granted leave by the Competent Authority. In response the accused officer again replied in negative.

5. **AND WHEREAS**, the Hearing Officer further stated that the accused officer claims that she was prevented from traveling by her doctor, which is why she was unable to perform her duties. However, as per record the accused officer applied for grant of permission/NOC to apply for the Competitive Examination (CSS), 2023, and that on September 25, 2023, while she was on an alleged medical leave (*self-claimed/self-sanctioned medical leave*), she visited the Special Education Department to receive her NOC. This document also refutes the accused officer's position because, although visiting the Special Education Department to receive her NOC, the accused officer neglected to submit an application or a copy of medical reports in order to request leave approval from this department.

6. **AND WHEREAS**, the Hearing Officer observed that the accused officer has cited specific facts, encompassing but not limited to medical issues and the communication of her medical condition, including the transmission of medical certificates to the Principal concerned. These particulars necessitate the formal recording of evidence and statements from witnesses through a regular inquiry. This is also essential to determine the relevance and impact of the above-mentioned facts on the case of the accused officer or to establish their lack of influence. In response to charge No. 2, the accused officer has relied upon second proviso of Rule 21 of the Conduct Rules, 1966. She contends that the nature of her interview, being of a recorded interview, falls within the purview of the aforementioned proviso as Psychology is recognized as a science. The Hearing Officer observed that the accused officer has contested the facts associated with the case, rendering them contentious. Consequently, the circumstances have become subject to dispute, warranting the initiation of a formal inquiry. Resolving the factual intricacies and arriving at a well-founded conclusion is deemed challenging through summary proceedings. Therefore, a comprehensive regular inquiry is deemed necessary to elucidate the actual facts of the matter.

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7. **AND WHEREAS**, the hearing report and other record relating to the instant case has been examined and it is found that since the absence has been denied by the accused officer, therefore, any penalty imposed based on summary proceedings will be against the interest of justice and will also defeat the provisions of PEEDA Act, 2006 and merits of the case. Therefore, the undersigned hereby orders initiation of disciplinary proceedings afresh against the accused officer under Section 3 read with Section 5 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 by appointing **Mr. Muhammad Mushtaq, Principal (BS-19), Government Secondary School for Hearing Impaired (Boys), Mianwali** as Inquiry Officer to proceed against the accused Officer in terms of Section 5 read with Section 9 of the Act *ibid*.

8. The Inquiry Officer will proceed against the accused officer on the following charge of misconduct:

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- i. ***The accused officer remained willfully absent from duties w.e.f. 24.08.2023 till 07.12.2023 without prior permission / approval of leave by the Competent Authority and continued to send medical reports through Whatsapp. She resumed her duties on 08.12.2023 and there-after again absented herself from duty without prior approval / permission of leave till date which manifestly shows her irresponsible behaviour towards discharge of official duties and tantamounts to gross misconduct.***
 - ii. ***The accused officer in violation of the Punjab Government Servants (Conduct) Rules, 1966, without getting prior approval from the competent authority, attended Programme "BOLTA LAHORE" on Lahore Rang HD Channel.***


9. The accused officer is directed to submit her written defense to the Inquiry Officer, within **07** days of the receipt of this order. If she fails to submit her written defense within the prescribed period, it shall be presumed that either she has no defense to offer or she has declined to offer the same and she has accepted the charge.

10. **Mr. Imran Sher, Superintendent (BS-17), Office of the District Education Officer (Special Education), Sahiwal** is appointed as Departmental Representative in terms of Section 9(1)(c) read with Section 12 of the Act *ibid*.

11. In case, the accused officer desire to consult any record on which the aforesaid charges are based or is relevant to the aforesaid charges, she may do so with prior arrangement with the Departmental Representative within **03** days of the receipt of this Order.

12. The Inquiry Officer will submit his report and recommendations to the undersigned within sixty days (60 days) of the initiation of inquiry in terms of Section 10(6) of the Act *ibid*.

Dated Lahore the
February 07 / 2024


(SAIMA SAEED)
SECRETARY SPECIAL EDUCATION /
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 Accounts Officer, Sahiwal.
4. District Education Officer (Special Education), Sahiwal to ensure the delivery of this Notice to the accused officer on her official and residential address under intimation to this department.
5. Inquiry Officer / **Mr. Muhammad Mushtaq**, Principal (BS-19), Government Secondary School for Hearing Impaired (Boys), Mianwali.
6. **Mr. Imran Sher**, Superintendent (BS-17), Office of the District Education Officer (Special Education), Sahiwal / Departmental Representative to ensure delivery of this order to the accused officer and discharge duties as per Section 12 of the PEEDA Act, 2006.
7. Principal, Govt. Higher Secondary School for Special Education (H.I) Farid Town, Sahiwal to ensure the delivery of this order to the accused officer on her official and residential address and through all possible means under intimation to this department.
8. Accused officer / **Ms. Saira Yousaf**, Pyschologist (BS-17), Govt. Higher Secondary School of Special Education for Hearing Impaired, Sahiwal. Resident of House No. 4, Income Tax Colony, Nawa Shehar, Multan.
9. PS to Secretary Special Education Department.


SECTION OFFICER (ESTT.)
SPECIAL EDUCATION DEPARTMENT