

REGISTERED



ORDER

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

No. SO(Estt)36-263/2019. WHEREAS, Maham Tanveer, Junior Special Education Teacher (MS Field / BS-16), Government Special Education Center, Kamalia filed appeal against order dated 28.08.2024 passed by the Secretary, Special Education Department / Competent Authority whereby major penalty of "removal from service" was imposed upon her under the PEEDA Act, 2006.

2. **AND WHEREAS,** comments were obtained from the Administrative Department. **Mr. Muhammad Khan Ranjha, Secretary (Archives), S&GAD** was appointed as Hearing Officer to afford personal hearing to the appellant and submit a detailed report to arrive at a definitive decision.

3. **AND WHEREAS,** the Secretary (Archives), S&GAD afforded personal hearing to the appellant in the presence of the Departmental Representative of Special Education Department and submitted hearing report stating therein that the appellant contended that she was working as Junior Special Education Teacher on Contract basis in the Govt. Special Education Center Kamalia since 18.10.2019. Unfortunately, she suffered from gyane problem and she applied medical leave w.e.f 21.08.2023 to 03.11.2023 (75 days). Then, she joined duties on 04.11.2023 but on 20.11.2023, she again fell ill and applied for medical leave w.e.f. 20.11.2023 to 03.12.2023 and 03.12.2023 to 04.12.2023, but the Principal sent absent report to the District Education Officer Special Education Faisalabad *vide* letter dated 13.12.2023. Her leave is not more than one year so she should not be given penalty of removal from service. The appellant prayed that she may be reinstated into service by setting aside the impugned order dated 28.08.2024.

4. **AND WHEREAS,** on the other hand, the Departmental Representative submitted that all record related to the charge was provided to the appellant and inquiry proceedings were conducted by the Inquiry Officer in accordance with the provisions of PEEDA, Act, 2006. In the Note, it is submitted that Deputy Director (Admn.) Directorate General of Special Education, Punjab *vide* letter dated 06.12.2023 forwarded an application dated 04.11.2023 of the appellant, wherein she had requested for grant of medical leave w.e.f. 21.08.2023 to 03.11.2023 (75-days) after availing the leave without approval of Competent Authority. Another correspondence dated 13.12.2023, addressed to District Education Officer (Spl. Edu.), Faisalabad was received from the Principal, Govt. Special Education Centre, Kamalia, wherein he had stated that the appellant was appointed on contract basis for a period of 05-years and she assumed the charge on 18.10.2019. The service record of the appellant shows that she availed unauthorized medical leave w.e.f. 21.08.2023 to 03.11.2023. Through said

correspondence, it was requested to take strict disciplinary action under PEEDA Act, 2006 as per Contract Appointment Policy, 2004 on the charge of absence from duty without sanction / approval of unauthorized medical leave. Earlier, the department sanctioned 29-days medical leave w.e.f. 11.01.2022 to 08.02.2022 (without pay) in her favour *vide* order dated 27.05.2022 and then for a period of 85-days medical leave w.e.f. 09.01.2023 to 03.04.2023 (without pay) was sanctioned *vide* order dated 22.05.2023. However, the appellant after availing the maximum medical leave admissible to her under the Contract Appointment Policy, 2004, initially availed 75-days medical leave w.e.f. 21.08.2023 to 03.11.2023, 14-days medical leave w.e.f. 20.11.2023 to 03.12.2023 and then 12-days medical leave w.e.f. 04.12.2023 to 15.12.2023 without approval of the Competent Authority, over and above the prescribed limit of medical leave admissible to a contract employee. The request for grant of medical leave for 75-days was rejected *vide* order dated 08.01.2024 being not admissible. The Deputy Director (Admn.) Directorate General Special Education *vide* letter dated 26.01.2024 also forwarded absence report of the appellant alongwith complete record and charge sheet recommending that disciplinary proceedings may be initiated against her. Show Cause Notice dated 24.01.2023 on the charge of absence from duty and misconduct was served upon her. The appellant submitted written reply which was found unsatisfactory. The appellant was granted personal hearing by the Deputy Secretary, Special Education Department who suggested initiation of regular inquiry against the appellant. Mr. Qaiser Abbas Shah, Principal (BS-19), Govt. Secondary School for Hearing Impaired, Jhang was appointed as Inquiry Officer who after conducting inquiry concluded that the charges of misconduct on account of absence from duty stands fully proved. Show Cause cum Personal Hearing Notice was issued to the appellant directing her to appear on 29.08.2023 before Deputy Secretary Special Education / Hearing Officer. After fulfilling all codal formalities, impugned penalty *vide* order dated 28.08.2024 was imposed upon the appellant and her contract was terminated. The Administrative Departmental proposed that the instant appeal may be dismissed being devoid of merit.

5. **AND WHEREAS**, after examining the record/material available in the case file, considering the appeal of the appellant and report of the Hearing Officer, it is observed that the appellant was found guilty of misconduct on account of absence from duty for availing self-sanctioned medical leave beyond 90 days which was not admissible to her under Contract Appointment Policy, 2004 being a contract employee. Therefore, keeping in view the gravity of proven charges major penalty of *removal from service* was imposed upon her. Accordingly, as per Clause 7(c) of Contract Appointment Policy 2004 titled Guidelines for fixing terms and conditions of contract appointments "*Leave on medical grounds without pay shall be admissible on production of medical certificate by the competent authority as per Punjab Medical Attendance Rules, 1959 however, if medical leave continues beyond 3 months, his contract shall be liable to be terminated*", her contract was terminated. During hearing, the appellant could not produce any material to rebut the evidence already available on record to prove her innocence. Thus, she 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 **Maham Tanveer**, being devoid of merit and substance.

-sd-

(ZAHID AKHTAR ZAMAN)
CHIEF SECRETARY, PUNJAB

Dated: Lahore the 17th February, 2025

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 bearing No. 72865 dated 14.02.2025.
4. District Education Officer (Special Education), Faisalabad to ensure delivery of this order to the appellant under intimation to this department.
5. **Appellant concerned / Ms. Maham Tanveer**, ex-Junior Special Education Teacher (MC Field) (BS-16), Govt. Special Education Centre, Kamalia, District Toba Tek Singh; **Resident of House No. 322, H-Block, Mohallah Ali Pur, Okara.**
6. PS to Secretary Special Education Department.



SECTION OFFICER (ESTT.-I)
SPECIAL EDUCATION DEPARTMENT