

REGISTERED



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT

ORDER

SO(Estt)40-244/2015: WHEREAS, on the basis of documentary evidence available on record disciplinary proceedings were initiated against **Ms. Rowyela Irum**, Junior Special Education Teacher (HI Field / BS-16), previously posted at Govt. Special Education Centre, Thokar Niaz Baig, Lahore ('accused officer') vide Show Cause Notice dated 29.04.2024 under Section 7(b) read with Section 5(1)(a) of the PEEDA Act, 2006 ('Act') on the following charge of misconduct:

"You were granted 89-days Extra Ordinary Leave (without pay) w.e.f. 23.08.2021 to 19.11.2021 vide order dated 07.09.2021 and later on, you were further granted Extra Ordinary Leave (without pay) for 181-days w.e.f. 20.11.2021 to 19.05.2022 vide order dated 30.11.2021. After expiry of said leave, you were bound to report to this department on 20.05.2022 for further orders but you failed to submit your joining / report to this department, hence you have been found willfully absent from your duties w.e.f. 20.05.2022 till date without any intimation or prior permission of the Competent Authority."

2. AND WHEREAS, through the above said Show Cause Notice, the accused officer was directed to submit her defence reply within 07-days. Accordingly, she filed a written reply which was examined and found unsatisfactory. Therefore, in order to finalize the disciplinary proceedings, the accused officer was afforded an opportunity of personal hearing under Section 7(d) of the Act *ibid* and for said purpose vide letter dated 09.05.2024, she was directed to appear before **Deputy Secretary Special Education / Hearing Officer** appointed under Section 7(d) of the Act *ibid* on 13.05.2024.

3. AND WHEREAS, the Hearing Officer after affording opportunity of personal hearing to the accused officer, submitted report of hearing proceedings concluding therein that the charge levelled against the accused officer stand proved.

4. AND WHEREAS, after having considered all aspects and material related to the case, reply of the accused officer and report of Hearing Officer, it has been noticed the accused officer was granted 89-days Extra Ordinary Leave (without pay) w.e.f. 23.08.2021 to 19.11.2021 vide order dated 07.09.2021 and later on, said leave

Laino Saad

was extended for 181-days w.e.f. 20.11.2021 to 19.05.2022 vide order dated 30.11.2021. After expiry of said leaves, the accused officer was bound to report to this department on 20.05.2022 for further orders but she failed to submit her joining and/or report to this department. This inaction on the part of the accused officer manifestly transpires that her conduct remained prejudicial to good service and tantamounts to gross misconduct. Hence, she has been found willfully absent from her duties w.e.f. 20.05.2022 till date without any intimation or prior permission of the Competent Authority. It is also observed that the accused officer remained absent from duty and she through her written reply has admitted that she is not performing her duty anywhere for almost two years (*w.e.f. 20.05.2022 till date*). The reply filed by the accused officer being admission of the charge, shows that the absence of the accused officer is willful and intentional. After consulting the record, I am tempted to observe that no circumstances extenuating in nature exist in favour of the accused officer through which it can be deduced that absence of the accused officer is due to circumstances which are beyond her control. It is further noted that Section 7(f) of the PEEDA Act, 2006 provides as under;

- (f) impose any one or more penalties mentioned in section 4, by an order in writing, if the charge or charges are proved against the accused:

Provided that—

(i) where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any; and

(ii) 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.

There is no cavil to the proposition that absence from duty without approval of leave by Competent Authority tantamounts to misconduct as defined under Section 2(n)(vii) of the Act *ibid* and constitutes culpable wrongdoing. Record fully corroborates that the accused officer has been found guilty of charge of absence from duty w.e.f. 20.05.2022 till date (**for almost two years**) without prior approval / permission of Competent Authority.

Ismat Javed

5. **NOW THEREFORE**, I, **Saima Saeed**, Secretary Special Education / Competent Authority in the instant case, *for reasons recorded herein above*, am of the view that it is established from record that the absence of the accused from duty is willful and intentional. The conduct of the accused towards performance of her official duty remained prejudicial to good service discipline and tantamounts to gross misconduct, therefore, keeping in view the gravity of proven charge, in exercise of powers vested upon me under the Section 7(f) read with Section 4 of the Act *ibid*, major penalty of "**Removal from service**" in terms of Section 4(1)(b)(v) is hereby imposed upon the accused officer.



(SAIMA SAEED)

SECRETARY to

GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
COMPETENT AUTHORITY

Dated Lahore, the
May 14th /2024

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.
4. Headmaster / Headmistress, Govt. Special Education Centre, Thokar Niaz Baig, Lahore to ensure delivery of this order to the accused officer at her residential and official address through all possible means under intimation to this Department.
5. PS to Secretary Special Education Department, Lahore.
6. Statistical Officer, Directorate General of Special Education, Punjab, Lahore.
7. Accused officer concerned / **Ms. Rowyela Irum**, Junior Special Education Teacher (HI Field / BS-16), previously posted at Govt. Special Education Centre, Thokar Niaz Baig, Lahore. Resident of (i) Tehsil Judicial Complex Choa Saidan Shah, District Chakwal, (ii) Village and P.O Sehna Tehsil & District Mandi Bahaud-Din.


SECTION OFFICER (ESTT.)
SPECIAL EDUCATION DEPARTMENT