

REGISTERED



**GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT**

ORDER

SO(Estt)41-26/2016: WHEREAS, Deputy Director (Admn.), Directorate General of Special Education Punjab vide letter dated 28.02.2024 forwarded letter of District Education Officer, Special Education, Sargodha dated 12.02.2024 alongwith absence report of **Ms. Zainab Zaheer**, Junior Special Education Teacher (V.I Field / BS-16), Govt. Special Education Centre Bhalwal, District Sargodha (**'accused officer'**) dated 12.02.2024 made by the Headmaster, Govt. Special Education Centre, Bhalwal, District Sargodha, whereby it was informed that the accused officer sent medical leave w.e.f. 01.11.2023 to 15.11.2023 (15 days) without original leave title duly verified by the concerned District Accounts Office. After expiry of her self-sanctioned, unapproved medical leave, she was bound to join back the Centre but she absented herself from duty w.e.f. 16.11.2023 till date.

2. AND WHEREAS, upon receipt of absence report, *while dispensing with regular inquiry in view of documentary evidence available on record under Section 5(1)(b) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 ("Act")*, disciplinary proceedings were initiated against the accused officer under Section 7(b) read with Section 5(1)(a) of the Act *ibid* vide Show Cause Notice dated 26.03.2024 on the following charge of misconduct on account of absence from duty;

"You have been found absent from duty w.e.f. 01.11.2023 till date without prior permission / approval of the Competent Authority"

3. AND WHEREAS, through afore mentioned Show Cause Notice, the accused officer was directed to submit her written defense within seven (07) days but she did not file written defense; therefore, in order to meet the ends of justice and to finalize the disciplinary proceedings, the accused officer was afforded an opportunity of personal hearing under Section 7(d) of the Act *ibid* and vide letter dated 06.05.2024, she was directed to appear before Deputy Secretary Special Education / Hearing Officer appointed under Section 7(d) of the Act *ibid*, for personal hearing on 14.05.2024.

4. AND WHEREAS, the Hearing Officer, after providing reasonable opportunities for a personal hearing to the accused officer, submitted a report stating that on May 14, 2024, the accused officer did not attend the scheduled personal hearing proceedings. In the interest of justice and to decide the case on its merits, the officer was granted another opportunity for a personal hearing and directed to appear on May 30, 2024. On May 30, 2024, the accused officer appeared, but the hearing proceedings

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could not be conducted due to an official engagement of the Hearing Officer. Consequently, the officer was granted another opportunity for a personal hearing and directed to appear on June 11, 2024. On June 11, 2024, the accused officer attended the personal hearing proceedings and requested exoneration from the charge. She also submitted a written reply to the show cause notice, stating that she joined the Government Special Education Centre in Bhalwal District, Sargodha, on October 23, 2023. During her travel, she fell ill and sent a medical leave request for 15 days effective November 1, 2023. However, due to serious medical issues and unavoidable domestic problems, she was unable to communicate with the department to request additional leave. The accused officer further explained that her husband resides abroad, she has two children, and her mother-in-law is a cardiac patient. As there is no one else to look after her children and ailing mother-in-law, she requested to be exonerated from the charge of willful absence.

5. **AND WHEREAS**, the Hearing Officer after examining the record observed that reply submitted by the accused officer shows that she vividly admitted the charge of absence leveled against her and did not justify her unauthorized absence from duty with cogent reasons / evidence. During the course of personal hearing and through her written reply, the accused officer failed to substantiate her stance and prove her innocence. The accused officer also failed to bring on record any piece of evidence which can rebut the charge of misconduct on account of absence from duty w.e.f. 01.11.2023 till date. No record regarding medical condition as narrated by the accused officer in her written reply has been produced / annexed with the reply to substantiate the stance, hence in absence of any documentary evidence the stance of the accused officer that she was medically unfit to perform her duty does not merit consideration. The Hearing Officer further observed that mere filing of application without any medical prescriptions also does not create any justifiable/vested right in favour of the accused officer to proceed on leave and remain absent from duties there-after. Moreover, the stance of the accused officer that she had domestic issues is also vague and devoid of force. The Hearing Officer concluded that the charge of misconduct on account of absence from duty w.e.f. 01.11.2023 till date levelled against the accused officer stood fully proved.

6. **AND WHEREAS**, upon thorough review and consideration of all aspects and materials related to the case, including the written response of the accused officer as well as the report from the Hearing Officer, it has been observed that the accused officer, while being posted at the Government Secondary Institute for Blind Girls, Lahore, was proceeded against under the statutory regime of the PEEDA Act, 2006, vide Show Cause Notice on the charge of misconduct due to absence from duty w.e.f. 29.10.2022 till 15.05.2023. Upon the finalization of those proceedings, she was awarded a minor penalty of "withholding of annual increments for a period of three years" under Section 4(1)(a)(ii) of the Act *ibid* vide order dated 15.05.2023. In the same

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order, she was also directed to report to the department, and her absence period w.e.f. 29.10.2022 till 15.05.2023 (*almost 07 months*) was directed to be treated as Extra Ordinary Leave (EOL) without pay. Subsequently, the accused officer was posted at the Government Special Education Centre, Bhalwal, vide order dated 07.08.2023. The accused officer filed an application for the grant of EOL for a period of two years, which was rejected by the Competent Authority vide letter dated 18.10.2023. Furthermore, upon the application of the accused officer, whereby she requested the modification of her transfer order, she was directed to join her new place of posting vide letter dated 18.10.2023. In compliance with this directive, she assumed charge of her new post on 23.10.2023. The record further shows that after performing duty for almost one week, the accused officer applied for medical leave for 15 days, commencing on 01.11.2023 and ending on 15.11.2023, without submitting the proper documents. Upon the expiry of her self-claimed / self-sanctioned medical leave, she absented herself without intimation and/or prior approval/sanction of leave. Hence, the instant proceedings against her. A perusal of the record further shows that the accused officer unequivocally admitted the charge of absence leveled against her and failed to justify her unauthorized absence from duty with cogent reason/evidence. The accused officer failed to substantiate her innocence and also failed to bring on record any piece of evidence which could rebut the charge of misconduct due to absence from duty commencing on 01.11.2023 and continuing to the present date. After careful consideration of the case material, it is evident that the act of submitting an application alone does not establish a justifiable or vested right for the accused officer to take leave and remain absent from duties. Furthermore, the charge of misconduct stemming from the absence from duty starting on November 1, 2023, and persisting to the current date, is fully substantiated against the accused officer.

7. **NOW THEREFORE**, I, **Saima Saeed**, Secretary Special Education / Competent Authority in the instant case, after having thoroughly reviewed all relevant aspects and materials pertaining to the case, and in the exercise of the powers vested in me under Section 7(f) read in conjunction with Section 4 of the Act *ibid*, have concluded that the charge of misconduct, specifically regarding the absence from duty commencing on November 1, 2023, to the present date, as outlined in the Show Cause Notice, has been fully substantiated. In consideration of the severity of the proven charge and the mitigating circumstances, including the medical issues of the accused officer and the duration of absence (*nearly seven months, which is less than one year*), and recognizing that the accused officer is a regular employee of the department, I have decided to adopt a lenient approach. Consequently, I hereby impose the minor penalty of "**withholding of annual increments for a period of five years**" in terms of Section 4(1)(a)(ii) of the aforementioned Act on the accused officer.

8. **NOTWITHSTANDING ABOVE**, the accused officer is hereby directed to immediately report to her designated place of duty. The period of her absence from

November 1, 2023, until today i.e., 05.07.2024 (the date of this order) shall be considered as Extraordinary Leave without pay.



(SAIMA SAEED)

SECRETARY

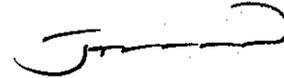
GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
COMPETENT AUTHORITY

Dated Lahore, the
05th July, 2024

No. & Date Even:

A copy is forwarded for information and necessary action to the:-

1. The Accountant General Punjab, Lahore.
2. The Director General, Special Education Punjab, Lahore.
3. The District Education Officer (Special Education), Sargodha.
4. Headmaster, Govt. Special Education Centre, Bhalwal, District Sargodha.
5. Accused officer / Ms. Zainab Zaheer, Junior Special Education Teacher (BS-16), Govt. Special Education Centre, Bhalwal, District Sargodha. Resident of House No. 81-Mamdoot Block, Mustafa Town, Lahore.
6. PS to Secretary Special Education Department, Lahore.



SECTION OFFICER (ESTT.)
SPECIAL EDUCATION DEPARTMENT