

REGISTERED



**GOVERNMENT OF THE PUNJAB  
SPECIAL EDUCATION DEPARTMENT**

**ORDER**

**SO(Estt)27-265/2018: WHEREAS**, Deputy Director (Admn.), Directorate General of Special Education Punjab vide letter dated 21.02.2024 forwarded absence report of **Ms. Atia Murtza**, Educator (BS-16), Govt. Institute for Slow Learners, Chiniot (**'accused officer'**) made by the Headmistress, Govt. Institute for Slow Learners, Chiniot, whereby it was informed that the accused officer has been found absent from her duty w.e.f. 02.11.2023 till date without any intimation / prior approval of the Competent Authority. Keeping in view the non-serious attitude and willful absence from duty w.e.f 02.11.2023, it was requested that disciplinary proceedings may be initiated against the accused officer.

2. **AND WHEREAS**, keeping in view the willful absence of the accused officer from duty w.e.f. 02.11.2023, other ancillary and related facts of the case and on account of availability of sufficient documentary evidence on record, *while dispensing with regular inquiry in terms of Section 5 of the PEEDA Act, 2006*, disciplinary proceedings were initiated against the 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 on account of absence from duty:

***"You have been found willfully absent from your duties w.e.f. 02.11.2023 till to date without any intimation or prior permission / approval of leave by Competent Authority"***

3. **AND WHEREAS**, through the above said Show Cause Notice, the accused officer was directed to submit her defence reply within 07-days. But despite lapse of considerable time, she failed to submit her reply. Therefore, in order to finalize the disciplinary proceedings, it was decided to afford an opportunity of personal hearing to the accused officer under Section 7(d) of Act *ibid* and for said purpose, vide letter dated 06.06.2024, **Deputy Secretary, Special Education Department** was appointed as Hearing Officer under Section 7(d) of the Act *ibid* and the accused officer was directed to appear before the Hearing Officer on 26.06.2024.

4. **AND WHEREAS**, the Hearing Officer submitted hearing report stating therein that the accused officer did not appear on the date fixed for personal hearing i.e., 26.06.2024 despite intimation through service of notices of personal hearing on her residential address. To meet the ends of justice and to provide full, complete and fair

*Laina Saad*

opportunities of hearing to the accused officer, she was afforded 2<sup>nd</sup> opportunity of personal hearing and she was directed to appear on 10.07.2024 but again she did not appear. The Hearing Officer further stated that the hearing notices were served to the accused officer on her residential address and copies of the same were also sent to District Education Officer (Special Education) concerned and Headmaster concerned to ensure the delivery of notice to the accused officer. The hearing notices were also uploaded on the official website of the department, but despite meticulous adherence to all procedural, legal, and regulatory formalities, and despite proper information/service of notices, the accused officer failed to attend the scheduled personal hearing proceedings. The Hearing Officer further apprised that for safer administration of justice and to ensure grant of just hearing to the accused officer, she was afforded 3<sup>rd</sup> opportunity of personal hearing (*as last and final opportunity*) and directed to appear on 24.07.2024. The notice of hearing was duly served to the accused officer at her residential address, with additional copies dispatched to the relevant District Education Officer (Special Education) and the concerned Headmaster to ensure the notice's delivery to the accused officer. The hearing notice was also uploaded on the official website of the department and hearing notice was also sent on her email address. But, despite observing all just, legal and codal formalities and proper intimation the accused officer did not attend the personal hearing proceedings.

5. **AND WHEREAS**, the Hearing Officer after consulting record, observed that the accused officer was appointed as Educator (BS-16) on contract basis for a period of five years and posted at Govt. Institute for Slow Learners, Jhelum vide order dated 23.10.2018 and her services were regularized vide order dated 30.05.2023. The Hearing Officer further observed that the accused officer failed to furnish her written reply in response to the Show Cause Notice dated 29.04.2024. Clause-05 of the Show Cause Notice provides that "your reply to Show Cause Notice should reach the undersigned, within the said period failing which it shall be presumed that you have no defence to offer". Failure on the part of accused officer to file reply to Show Cause Notice tantamounts to admission of charge, hence the charge leveled against the accused officer stands proved.

6. **AND WHEREAS**, the Hearing Officer further observed that the accused officer was afforded three (03) opportunities of personal hearing with the direction to appear for personal hearing but she failed to attend the personal hearing proceedings which shows that she has no supporting documents to defend her case and justify the charge of unauthorized absence levelled against her. The Hearing Officer, *after evaluating the record connected with the case*, also observed that the accused officer absented herself from duty since 02.11.2023 till date (*this period spans over 09 months*) without any intimation or prior permission of the Competent Authority which is deliberate, willful and unauthorized. The Hearing Officer further observed that it can safely be inferred from the record that conduct of the accused officer towards performance of her official duty remained highly prejudicial to good service discipline,

unbecoming of an officer and tantamounts to gross misconduct.

7. **AND WHEREAS**, following a comprehensive review of all pertinent aspects and materials pertaining to the case, as well as the report submitted by the Hearing Officer, it has been noticed the accused officer remained willfully absent from duty w.e.f. 02.11.2023 till date (*for a period which spans over 09 months*) and no cogent, convincing and confidence inspiring evidence has been brought on record by the accused officer to substantiate that her absence is neither willful nor unauthorized. After consulting the record, I am inclined to observe that no circumstances extenuating in nature exists in favour of the accused officer through which it could be inferred that absence of the accused officer is due to circumstances which are beyond her control as the accused officer has neither filed any application for sanction of leave nor intimated the department in this regard. The accused officer also failed to file her defense reply in response to the Show Cause Notice dated 29.04.2024. Clause 05 of the Show Cause Notice reads as under;

*"5. Your reply to Show Cause Notice should reach the undersigned, within the said period failing which it shall be presumed that you have no defence to offer."*

It is observed that failure of the accused officer to respond to the Show Cause Notice constitutes an admission of the charge. Therefore, the charge against the accused officer is deemed to be substantiated. As per record, the accused officer was provided ample opportunities of personal hearings but wilful and intentional non-appearance of the accused officer for personal hearing shows that she is avoiding to appear for personal hearing and is delaying the finalization of disciplinary proceedings. If the willful absence of accused officer from duty, *which spans over 09 months*, is examined keeping in view the conduct of the accused officer, it can safely be inferred that the conduct of the accused officer towards performance of her official duty remained highly prejudicial to good service discipline, unbecoming of an officer and tantamounts to gross misconduct. 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 PEEDA Act, 2006 and constitutes culpable wrongdoing. Record fully corroborates that the accused officer has been found guilty of charge of absence from duty w.e.f. 02.11.2023 till date (**for nine months**) without prior approval / permission of Competent Authority.

8. **NOW THEREFORE**, I, **Saima Saeed**, Secretary Special Education / Competent Authority in the instant case, after having considered all the aspects and material related to the case, am of the view that record fully corroborates that the accused officer has been found guilty of misconduct on account of absence from duty w.e.f. 02.11.2023 till date (**for nine months**). It is manifestly clear that the conduct and casual attitude of the accused officer toward performance of her official duties shows

that she is not interested in performing Govt. job and her further retention in Government service will not serve any useful purpose for the department and special students. Therefore, *keeping in view the gravity of proven charge and in exercise of powers vested upon me under the PEEDA Act, 2006 and for reasons recorded hereinabove*, major penalty of "**Removal from service**" in terms of Section 4(1)(b)(v) of the Act *ibid* is hereby imposed upon the accused officer.



(SAIMA SAEED)

SECRETARY to

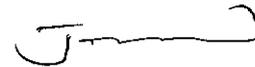
GOVERNMENT OF THE PUNJAB  
SPECIAL EDUCATION DEPARTMENT /  
COMPETENT AUTHORITY

Dated Lahore, the  
August 08 /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), Faisalabad.
4. Principal / Headmaster / Headmistress, Govt. Institute for Slow Learners, Chiniot to ensure delivery of this order to the accused officer at her residential and official address through all possible means including email at her official email address under intimation to this Department.
5. Statistical Officer, Directorate General of Special Education, Punjab, Lahore.
6. Accused officer concerned / **Ms. Atia Murtza**, Educator (BS-16), Govt. Institute for Slow Learners, Chiniot. Resident of Chak No. 160 R.B Muhammad Pur Chata, Dak Khana Khas, Tehsil Chak Jhumra, District Faisalabad.
7. PS to Secretary Special Education Department, Lahore.



SECTION OFFICER (ESTT.)  
SPECIAL EDUCATION DEPARTMENT