

REGISTERED



**GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT**

ORDER

Saima Saad

No. SO(Estt)45-119/2012: WHEREAS, Deputy Director (Admn.), Directorate General of Special Education Punjab vide letter dated 06.06.2024 forwarded letter of District Education Officer, Special Education, Sahiwal dated 23.05.2024 whereby it was informed that **Syeda Sadia Akbar**, Senior Teacher (BS-18/Personal), Govt. Al-Sahi Special Education Centre for MCC Sahiwal (**'accused officer'**) remained absent from duty **w.e.f. 11.01.2024 to 31.03.2024 (81 days)** without approval of leave. The leave applied by the accused officer was not recommended by the Directorate General Special Education, Punjab and was thus rejected by the Competent Authority vide letter dated 02.05.2024. Hence, recommended initiation of proceedings under the applicable law on the charge of misconduct on account of absence from duty.

2. **AND WHEREAS**, given the circumstances, fact involved in the case and on account of existence of adequate documentary evidence on file, *while dispensing regular inquiry in terms of Section 5 of the PEEDA Act, 2006*, disciplinary proceedings against the accused officer were initiated vide Show Cause Notice dated 10.07.2024 under Section 7(b) read with Section 5(1)(a) of the PEEDA Act, 2006 (**'Act'**) on the following charge of misconduct:

"You have been found wilfully absent from duty w.e.f. 11.01.2024 to 31.03.2024 (81 days) without prior permission / approval of leave by the Competent Authority"

3. **AND WHEREAS**, through Show Cause Notice, the accused officer was instructed to submit her written response within seven days. In compliance, she provided a written reply which was examined and found unsatisfactory. Therefore, in order to finalize the disciplinary proceedings, *vide letter dated 07.08.2024*, the accused officer was afforded an opportunity of personal hearing under Section 7(d) of the Act *ibid* on 15.08.2024 and for said purpose **Additional Secretary, Special Education** was appointed as **Hearing Officer** under Section 7(d) of the Act *ibid*.

4. **AND WHEREAS**, the Hearing Officer after affording opportunity of personal hearing to the accused officer and examining the record,

submitted hearing report stating therein that the accused officer appeared on the fixed date and reiterated the stance already taken by her in her written reply. The Hearing Officer observed that the stance taken by the accused officer in her written reply is generic and lacks specificity. While the accused officer cited medical reasons for her absence, she failed to provide any documentary or supporting evidence either in her written reply or during the personal hearing to substantiate her claim. Consequently, the accused officer's assertions, being unsubstantiated by evidence, do not warrant serious consideration. The Hearing Officer further observed that 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 11.01.2024 to 31.03.2024 (81 days), hence the charge stands fully proved.

5. **AND WHEREAS**, upon thorough review and consideration of all aspects and materials related to the case, including the written response of the accused officer and the accompanying documents, as well as the report from the Hearing Officer, it has been observed that instead of denying the allegations levelled against the accused officer, she admitted to her misconduct. The accused officer's conduct, as evidenced by her admission of guilt regarding her unauthorized absence from duty without prior leave approval, leads to the inescapable conclusion that she engaged in malfeasance, thereby establishing the charge of misconduct. After a thorough review of the record, no merit is found in the justification provided by the accused officer for her absence. As observed by the Hearing Officer, the accused officer attributed her absence to medical reasons. However, she failed to submit any documentary or corroborative evidence, either in her written response or during the personal hearing, to substantiate her claim. Therefore, the accused officer's assertions, being unsupported by evidence, do not merit substantial consideration. A wade through the record shows that the accused officer is habitual leave hunter and the pattern of absenteeism, as *detailed in the letter from the concerned Head of the Center*, indicates that she frequently remains absent from her duties. To further corroborate this observation, it is noted that the accused officer availed 153-days medical leave w.e.f. 01.08.2022 till 31.12.2022 (*this leave was ex-post facto sanctioned vide order dated 22.02.2023*) and at the time of expiry of this leave winter vacations were going on. After expiry of winter vacations, the accused officer availed 90-days maternity leave w.e.f. 09.01.2023 till 08.04.2023 (*this leave was sanctioned vide order dated 30.01.2023*). After that she availed 50-days leave w.e.f. 11.04.2023 till 30.05.2023 (*this leave was ex-post facto sanctioned vide order dated 22.09.2023*). After expiry of this leave, summer vacations commenced and following the expiration of the summer vacations in the month of August 2023, the accused officer applied for Extraordinary Leave

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(EOL) from 25.08.2023 till 23.12.2023, which concluded just before the commencement of the winter vacation (*this leave was sanctioned vide order dated 15.12.2023*). Subsequently, after the winter vacation, the accused officer was absent from duty w.e.f. 11.01.2024, to 31.03.2024, and the leave applied for this period was rejected vide letter dated 02.05.2024.

6. **AND WHEREAS**, after a comprehensive review of the record, it is observed that the accused officer absented herself on self-claimed leave from 11.01.2024 to 31.03.2024 (81-days). Although she submitted a leave application on 10.01.2024 but she proceeded on leave before decision on her application. When questioned by the Hearing Officer during course of personal hearing regarding approval of leave, the accused officer stated that she presumed that she was allowed to proceed on leave upon filing the application. It is noted that the mere submission of a leave application, bereft of any medical prescriptions or specific reasons, does not confer a justifiable or vested right upon the accused officer to proceed on leave prior to its approval and to remain absent from her duties. The accused officer knowingly engaged in conduct prejudicial to good order and discipline, which is unbecoming of an officer. It is also observed that the accused officer failed to introduce any new evidence to counter the existing evidence against her and could not refute the charge of misconduct due to wilful and unauthorized absence from duty without prior approval of leave from the Competent Authority. It is also observed that the accused officer's claim of domestic issues is vague and lacks persuasive force. The charge of misconduct on account of absence from duty w.e.f. 11.01.2024 to 31.03.2024 (**81 days**) is fully substantiated.

7. **NOW THEREFORE**, I, **Saima Saeed**, Secretary Special Education being Competent Authority in the instant case, *for reasons recorded herein above*, in exercise of powers vested upon me under Section 7(f) read with Section 4 of the Act *ibid*, am of the view that the charge of misconduct on account of unauthorized absence from duty during the period w.e.f. 11.01.2024 to 31.03.2024 (81 days), as specified in the Show Cause Notice issued to the accused officer, stands fully substantiated. Given the severity of the proven charge, *while taking lenient view*, minor penalty of '**withholding of increments for a period of two years**' under Section 4(1)(a)(ii) of the Act *ibid* is hereby imposed upon the accused officer.

8. **NOTWITHSTANDING ABOVE**, keeping in view the delinquency and conduct of the accused officer, in order to regularize the service of the

accused officer, the period w.e.f. 11.01.2024 to 31.03.2024 (81 days) spent on unauthorized leave (*request for leave for said period has already been rejected vide order dated 02.05.2024*) shall be treated as **Extra Ordinary Leave (without pay)**.


(SAIMA SAEED)

SECRETARY to
GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
COMPETENT AUTHORITY

Dated Lahore, the
September 09th, 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 Accounts Officer, Sahiwal** with the request to implement this order, under intimation to this Department.
4. **District Education Officer (Special Education), Sahiwal** to ensure delivery of this order to the accused officer and implementation of this order under intimation to this department.
5. **Principal / Headmaster / Headmistress**, Govt. Al-Sahi Special Education Centre for MCC Sahiwal to ensure delivery of this order to the accused officer and also ensure implementation of this order under intimation to this department.
6. **Accused officer concerned / Syeda Sadia Akbar**, Senior Teacher (BS-18/Personal), Govt. Al-Sahi Special Education Centre for MCC Sahiwal.
7. **PS** to Secretary Special Education Department, Lahore.



SECTION OFFICER (ESTT.)
SPECIAL EDUCATION DEPARTMENT