

REGISTERED



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT

ORDER

No. SO(ESTT.)36-266/2019. WHEREAS, Deputy Director (Admn.), Directorate General of Special Education Punjab Lahore vide letter dated 31.01.2024 has forwarded a visit report of the Govt. Special Education Center, Chowk Azam ('Centre') upon the visits conducted by District Education Officer (Special Education), D.G. Khan ('DEO') on 14.12.2023 and 31.01.2024. The report outlines several instances of misconduct and inefficiency by Ms. Sobia, Junior Special Education Teacher (BS-16 / PD Field), Govt. Special Education Centre, Chowk Azam ('accused officer'). As per report, the accused officer had a prolonged unauthorized absence from duty. The DEO recommended that disciplinary action may be initiated against the accused officer for her misconduct and inefficiency.

2. AND WHEREAS, upon receipt of above said report, disciplinary proceedings through a regular inquiry under Section 3 and 5 read with Section 9 of the Act *ibid* of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 ('Act'), were initiated against the accused officer vide order dated 11.06.2024 on the following charge of inefficiency and misconduct by appointing Ms. Naila Liaqat, Instructor Physical Education (BS-18/Personal), Govt. High School of Special Education for HIC, Muzaffargarh as Inquiry Officer;

"The accused officer was found absent on 12.12.2023 and 13.12.2023, she did not resume her duty till 13.01.2024. The accused officer was on casual leave on 10.12.2023 to 11.12.2023 meaning thereby that she neither attended the Centre before the start of winter vacations, which commenced on 18.12.2023 and ended on 09.01.2024, nor after the winter vacations till 13.01.2024. Hence, the period of casual leaves and unauthorized absence w.e.f. 09.12.2023 till 17.12.2023 and 10.01.2024 till 13.01.2024 got sandwiched between the period winter vacations as per Revised Punjab Leave Rules 1981, Appendix-17 (Clause-ii). Therefore, she has remained wilfully absent from duty w.e.f 13.12.2023 till 13.01.2024."

3. AND WHEREAS, the Inquiry Officer, after conducting the inquiry as per mandate of PEEDA Act, 2006, submitted inquiry report wherein the Inquiry Officer recommended imposition of minor penalty of 'Censure' under section 4(1)(a)(i) of the PEEDA Act, 2006 upon the accused officer.

4. AND WHEREAS, upon receipt of inquiry report, Show Cause cum Personal Hearing Notice under Section 13(4) of Act *ibid* was issued to the accused officer directing her to submit additional defence, *if any*, and also to appear before Section Officer (General), Special Education Department / Hearing Officer appointed

under Section 13(4)(c) of the Act *ibid*, for personal hearing. The Departmental Representative was also directed to appear before the Hearing Officer alongwith all record under Section 13(4)(e) of the Act *ibid*.

5. **AND WHEREAS**, the Hearing Officer after granting opportunity of personal hearing to the accused officer in presence of Departmental Representative submitted report of hearing proceedings wherein the Hearing Officer observed that the recommendations of the Inquiry Officer for imposing minor penalty of 'Censure' under section 4(1)(a)(i) of the PEEDA Act, 2006 upon the accused officer is not in accordance with law. The Hearing Officer further observed that in respect of charge of absence on 12.12.2023, the Attendance Register for the month of December and the record of Biometric Attendance show that accused officer was present in school on 12.12.2023. Furthermore, *as per record*, the accused officer was also present in school on 13.12.2023. However, at 11:00 AM, she proceeded on short leave with the permission of the Headmaster, as she was not feeling well. She also submitted a request to the Headmaster on the same day (*i.e.*, 13.12.2023) for sanction of casual leaves w.e.f. 14.12.2023 to 16.12.2023 which was approved, therefore, the charge of absence from duty on 12.12.2023 to 16.12.2023 is not proved. Later on, winter vacations commenced w.e.f. 18.12.2023 till 09.01.2024. As far as the charge of absence w.e.f. 10.01.2024 to 11.01.2024 is concerned, the accused officer submitted an application on 10.01.2024 to her Headmaster stating therein that considering her health conditions, she may be allowed checkup from District Nankana Sahib and leave from the Centre. The same was allowed by the Headmaster and was forwarded to the Medical Superintendent, DHQ, Nankana Sahib. A copy of application for grant of Casual Leave on 10.01.2024 and 11.01.2024 is also available in the record. Moreover, the staff Attendance Register for the month of January, 2024 also shows that the accused officer was on casual leave on 10.01.2024 and 11.01.2024. Therefore, it is proved that she was not wilfully absent on 10.01.2024 and 11.01.2024. As far as, the charge of absence w.e.f. 12.01.2024 to 13.01.2024 is concerned, it is observed that, on 12.01.2024, she submitted an application to the Headmaster for sanction of Maternity Leave w.e.f. 12.01.2024 to 09.04.2024. The same was sanctioned on 12.01.2024. Hence the charge of absence on 12.01.2024 and 13.01.2024 is not proved.

6. **AND WHEREAS**, perusal of findings and recommendations of the Inquiry Officer, additional defence reply submitted by accused officer and report of Hearing Officer coupled with record available in file shows that the findings recorded by Hearing Officer are made after thorough consultation of record and the entire facts of the case were not duly appreciated by the Inquiry Officer during the inquiry proceedings. The stance taken by the accused officer, *in light of documentary record presented by her*, shows that she proceeded on leave with the approval of Headmaster. Hence, the charge of wilful absence from duty w.e.f. 12.12.2023 to 13.01.2024 against the accused officer is not approved.

7. **NOW THEREFORE**, I, **Saima Saeed**, Secretary Special Education / Competent Authority in the instant case, after having considered all the aspects, material relating to the case and findings of Hearing Officer, in exercise of powers vested in me under Section 13(5)(i) read with Section 7(e) the Punjab Employees

Efficiency, Discipline and Accountability Act, 2006, while disagreeing with the recommendations of the Inquiry Officer, do hereby exonerate the accused officer from the charge levelled against her vide order of inquiry 11.06.2024 under Section 13(5)(i) of the Act *ibid*.

Saima Saheed

(SAIMA SAEED)
SECRETARY

GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
COMPETENT AUTHORITY

Dated Lahore, the
October 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 Education Officer (Special Education), D.G Khan to ensure delivery of this order to the accused officer.
4. Accused official concerned / **Ms. Sobia**, Junior Special Education Teacher (BS-16 / PD Field), Govt. Special Education Centre, Chowk Azam.
5. PS to Secretary Special Education Department.

Saima Saheed
10/10/24

SECTION OFFICER (ESTT.-I)
SPECIAL EDUCATION DEPARTMENT