

REGISTERED



**GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT**

No. SO(Estt)42-72/2022: WHEREAS, Mr. Asif Javed, Assistant (BS-16), Govt. Special Education Centre, Shalimar Town, Lahore ('accused officer') was transferred and posted in Govt. Special Education Centre, Shalimar, District Lahore vide order dated 23.09.2022. Deputy Director (Admn.), Directorate General of Special Education Punjab vide letter dated 07.08.2024 forwarded letter of District Education Officer, Special Education, Lahore dated 30.07.2024 and letter of Principal, Govt. Special Education Center, Shalimar Town, Lahore dated 29.07.2024, whereby it has been informed that the accused officer remained absent from duty w.e.f. 21.03.2024 till date and despite issuance of warning / explanation time & again, he neither bothered to resume the duty nor attended the office or made any formal request / contact for grant of any sort of leave duly supported by Leave Title Report issued by the Accountant General, Punjab, Lahore. Lastly, it was requested that disciplinary proceedings may be initiated against the accused officer.

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 27.08.2024 on the following charge of misconduct on account of absence from duty;

"You have been found willfully absent from duty w.e.f. 21.03.2024 till date without obtaining prior permission / approval of leave by the Competent Authority".

3. **AND WHEREAS,** through afore mentioned Show Cause Notice, the accused officer was directed to submit his written defense/reply within seven (07) days. Accordingly, on 06.09.2024, the accused officer submitted a written reply which was examined and found unsatisfactory, 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 30.09.2024, he was directed to appear before Section Officer (General), Special Education Department / Hearing Officer appointed under Section 7(d) of the Act *ibid*, for personal hearing on 08.10.2024.

4. **AND WHEREAS,** the then Section Officer (General), Special Education Department / Hearing Officer, after providing opportunity of personal hearing to the accused officer, submitted a report stating therein that on 08th October, 2024, the accused officer appeared and he reiterated his earlier stance taken in written reply and *inter alia* contended that he remained absent from duty w.e.f. 21.03.2024 till date due to severe illness; that he is getting regular treatment and medication; that upon inquiring that why he did not answer to the letters / explanations dated 08.06.2024, 01.07.2024 and 10.07.2024 issued by Principal, Govt. Special Education Centre, Shalimar Town, Lahore, he responded that he tried to approach the Principal but he refused to receive

his application or leave title. He was directed to present copy of leave applications which he claimed to be submitted in his reply to Show Cause Notice, his medical reports and any other documentary evidence that can substantiate his contentions. In response thereto, he was not able to show any of that except the medical prescriptions for the month of March and April, 2024. For the period later than that (i.e. May, 2024 till date), he was unable to present even a single medical prescription or receipt of his checkup. Hence, he admitted during the hearing proceedings that he did not visit doctor after the month of April. He also failed to produce any record of leave application submitted to any higher authority during this period. At the end, he requested to take a lenient view as he is willing to resume his duty upon the receipt of any directions from the department.

5. **AND WHEREAS**, the Hearing Officer after examining the record observed that reply submitted by the accused officer shows that the accused officer by only producing hospital slips for the month of March and April failed to justify his absence for the later months. The stance of the accused officer that his condition was critical and he was getting regular treatment by visiting hospital is baseless. The Hearing Officer further observed that the contentions of the accused officer as mentioned in his reply to Show Case Notice are contrary to those presented during the hearing proceedings. As per record, the accused officer, also admitted that he did not bother to reply to the warnings and explanations issued by his Principal rather his brother forwarded his medical report for information. The Hearing Officer further stated that admission made by the accused officer during the hearing proceedings that he did not visit doctor after the month of April and that he did not submit any leave application to any higher forum proves the fact that he was wilfully absent from duty. The Hearing Officer concluded that charge of absence from duty w.e.f. 21.03.2024 till date levelled against the accused officer stands 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 admitted the charge of absence leveled against him and failed to justify his unauthorized absence from duty with cogent reasons/evidence. The accused officer failed to substantiate his 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 21.03.2024 and continuing to the present date. It has further been observed that the accused officer, by presenting only hospital slips for the months of March and April, failed to substantiate his absence for subsequent months. His claim of a critical condition requiring regular hospital visits is unsubstantiated. The Hearing Officer also noted that the accused officer's statements in his written reply to the Show Cause Notice contradicted those made during the proceedings. The accused officer admitted that he did not file any reply to the warnings and explanations issued by his Principal. He also admitted that he never attended the office of Principal, even his application alongwith medical reports was submitted to the Principal by his brother. Furthermore, the accused officer acknowledged not consulting a doctor after the month of April (*as no record in this regard was presented*) and failing to submit any leave application to a higher authority, indicating intentional absence from duty. Consequently, the charge of misconduct stemming from the absence from duty starting on 21.03.2024 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 21.03.2024 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 (*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 three 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 his designated place of duty i.e., Govt. Special Education Centre, Shalimar Town, District Lahore. The period of his absence from 21.03.2024, until today (**29.10.2024 / the date of this order**) shall be considered as **Extra Ordinary Leave (without pay)**.


(SAIMA SAEED)
SECRETARY

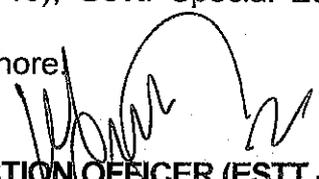
Dated Lahore, the
29th October, 2024

GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
COMPETENT AUTHORITY

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 with the direction to ensure delivery of this order to the accused officer through all possible means well in time.
4. Principal, Govt. Special Education Centre, Shalimar Town, Lahore with the direction to ensure delivery of this order to the accused officer at his residential address through all possible means under intimation to this department.
5. Accused officer / **Mr. Asif Javed**, Assistant (BS-16), Govt. Special Education Centre, Shalimar Town, Lahore.
6. PS to Secretary Special Education Department, Lahore.


SECTION OFFICER (ESTT.-I)
SPECIAL EDUCATION DEPARTMENT