

REGISTERED



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT

ORDER

No. SO(ESTT)21-344/18. WHEREAS, Deputy Director (Admn.), Directorate General of Special Education Punjab, Lahore vide letter dated 30.11.2023 forwarded the report of District Education Officer (Spl. Edu.), Sahiwal dated 18.11.2023 and report of Principal, Govt. Higher Secondary School of Special Education (H.I), Farid Town, Sahiwal dated 15.11.2023 whereby it was informed that **Ms. Saira Yousaf**, Psychologist (BS-17), Govt. Higher Secondary School of Special Education (HI), Sahiwal (**'accused officer'**) did not join her duties after summer vacations, 2023. She sent a request for grant of causal leave w.e.f. 21.08.2023 to 23.08.2023 and after that she has been continuously sending medical reports through WhatsApp. It was further reported that the accused officer is a habitual leave hunter and not interested in performance of her official assignments/duties. On one hand, she has sent medical reports but on the other hand she attended the live Programme "Bolta Lahore" on Lahore Rang HD Channel without getting prior approval from the Competent Authority. She was also issued explanation on 26.09.2023 but she did not reply the same and continued to remain absent from duty without any intimation.

2. **AND WHEREAS**, keeping in view the facts of the case and ancillary documents, disciplinary proceedings were initiated against the accused officer vide Show Cause Notice dated 24.02.2024 under Section 7(b) read with Section 5(1)(a) of the PEEDA Act, 2006 ('Act') on the following charge of misconduct:

1. You have been found wilfully absent from your duties w.e.f. 24.08.2023 till date without prior permission / approval of leave by the Competent Authority which manifestly shows your irresponsible behaviour towards discharge of your official duties.
2. That you attended the live Programme "BOLTA LAHORE" on Lahore Rang HD Channel without getting prior approval from the competent authority and while doing so, you have violated the Punjab Government Servants (Conduct) Rules, 1966.

3. **AND WHEREAS**, through the above said Show Cause Notice, the accused officer was directed to submit her written reply within 07-days. The accused officer submitted written reply which was considered and found unsatisfactory, therefore, in order to finalize the disciplinary proceedings, the accused officer was granted opportunity of personal hearing under Section 7(d) of Act *ibid* and for this

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purpose she was directed to appear before the **Additional Secretary, Special Education** / Hearing Officer appointed under Section 7 (d) of the Act *ibid*. After hearing the accused officer at length, the Hearing Officer submitted report of hearing proceedings wherein it was observed that the accused officer is a contract employee and her absence period cannot be treated as a matter of routine particularly, when various other issues of complicated nature are involved in the matter. Hence, the Hearing Officer suggested initiation of regular inquiry against the accused officer.

4. **AND WHEREAS**, after examining the hearing report and other record relating to the instant case, vide order dated 07.02.2024, disciplinary proceedings initiated through Show Cause Notice were converted into regular inquiry under Section 3 read with Section 5 of the Act *ibid* and **Mr. Muhammad Mushtaq**, Principal (BS-19), Government Secondary School for Hearing Impaired (Boys), Mianwali was appointed as Inquiry Officer to proceed against the accused officer on the following charges of misconduct in terms of Section 5 read with Section 9 of the Act *ibid*;

1. The accused officer remained wilfully absent from duties w.e.f. 24.08.2023 till 07.12.2023 without prior permission / approval of leave by the Competent Authority and continued to send medical reports through WhatsApp. She resumed her duties on 08.12.2023 and there-after again absented herself from duty without prior approval / permission of leave till date which manifestly shows her irresponsible behaviour towards discharge of official duties and tantamounts to gross misconduct.
2. The accused officer in violation of the Punjab Government Servants (Conduct) Rules, 1966, without getting prior approval from the competent authority, attended Programme "BOLTA LAHORE" on Lahore Rang HD Channel.

5. **AND WHEREAS**, the Inquiry Officer after conducting thorough inquiry into the charges, *after fulfilling all requirements of the PEEDA Act, 2006*, submitted his report concluding therein that the charges of misconduct on account of absence from duty in terms of availing unauthorized / unlawful / self-claimed / self-sanctioned leave stands fully proved against the accused officer and charge No. 2 remained unproved. He recommended that major penalty of 'removal from service' may be imposed upon the accused officer.

6. **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 defense, *if any*, and also to appear on 18.04.2024 before **Deputy Secretary Special Education / Hearing Officer** appointed under Section 13(4)(c) of the Act *ibid*, for personal hearing. The

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

7. **AND WHEREAS**, the Hearing Officer submitted report of hearing proceedings stating therein that on 18.04.2024, the accused officer did not appear. Instead, she filed an application stating therein that she did not receive a copy of inquiry report but as per record, copy of inquiry report was provided to her alongwith Show Cause Notice under Section 13(4) of the Act *ibid* but in the interest of justice and on her request again a copy of inquiry report was provided to her and she was directed to appear for personal hearing on 03.05.2024. On 03.05.2024, the accused officer again did not appear. However, she filed written reply and stated in last para of her reply that she does not deem it necessary to appear for personal hearing proceedings. In order to meet the ends of justice, again an opportunity of personal hearing was granted to the accused officer and she was directed to appear for personal hearing on 20.05.2024. On 20.05.2024, the accused officer did not appear whereas her brother appeared and stated that Ms. Saira Yousaf is not feeling well and is unable to attend the personal hearing proceedings. Whereas departmental representative appeared and attended the personal hearing proceedings. On 21.05.2024, the accused officer herself appeared in the office of Hearing Officer but she refused to mark attendance. She reiterated the stance taken by her during the course of inquiry and also taken by her in reply to Show Cause Notice.

8. **AND WHEREAS**, the Hearing Officer further stated in the report that during the course of hearing proceedings, Departmental Representative stated that all record related to the charges was provided to the accused officer and inquiry proceedings were conducted by the Inquiry Officer in accordance with the provisions of PEEDA, Act, 2006. The Departmental Representative further stated that the accused officer despite service of notices failed to appear before the Inquiry Officer. She did not attend the inquiry proceedings and no justifiable reason for her non-appearance was tendered. The Departmental Representative further stated that during the course of inquiry, charge No.1 stood proved whereas charge No.2 was not proved. He further stated that the stance taken by the accused officer in her reply is same which she took in the reply submitted before the Inquiry Officer. He further stated that all the arguments of the accused officer are fallacious and carry no weight.

9. **AND WHEREAS**, the Hearing Officer after considering the material related to the case available in the shape of inquiry report and keeping in view the findings and recommendations of the Inquiry Officer and hearing all concerned observed that the recommendations of the Inquiry Officer for imposing major penalty of 'removal from service' upon the accused officer is in accordance with law and also commensurates with gravity/severity of guilt of the accused officer.

10. **AND WHEREAS**, perusal of findings and recommendations of the Inquiry Officer, additional defense reply submitted by accused officer and report of Hearing Officer coupled with record available in file shows that the inquiry

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proceedings have been conducted by the Inquiry Officer in accordance with the provisions of PEEDA Act, 2006 and due process as provided under the law has been adopted by the Inquiry Officer. During inquiry proceedings, the accused officer was provided ample opportunity to vindicate her stance and prove her innocence but she failed to appear and attend inquiry proceedings and also failed to tender reasonable and justifiable reason for her non-appearance. It is observed that the findings and recommendations of the Inquiry Officer are based on record, made after considering all aspects of the case and taking into consideration the entire circumstances involved in the case. It is further observed that recommendations of the Inquiry Officer are substantiated with reasons / findings and no exception can be taken from the same. It transpires from perusal of record that Inquiry Officer after applying judicious mind and fulfilling all requirements of law has recommended imposition of penalty. *Prima facie*, the same are in consonance with the record and spirit of the law. It is further noticed that charges of misconduct stood proved against the accused officer and accordingly the penalty recommended by the Inquiry Officer commensurates with gravity of guilt of the accused officer.

11. **AND WHEREAS**, it is further noticed that as per record, the accused officer was appointed as Psychologist and posted at Government Special Education Centre, Chichawatni, Sahiwal. This appointment was on contractual basis, spanning a duration of five years. The services of the accused officer were regularization vide order dated 11th of May, 2023. After receipt of absence report, disciplinary proceedings were initiated against the accused officer initially through Show Cause Notice dated 24.01.2024 on the charge of misconduct on account of absence from duty which was later on converted into regular inquiry so as to meet the ends of justice and to give proper, fair and transparent opportunities to the accused officer to vindicate her stance and to prove her innocence.

12. **AND WHEREAS**, perusal of additional defense reply submitted by accused officer shows her denial of the charges, asserting that her absence from duty was not deliberate or intentional but rather attributable to medical and health issues, along with extenuating circumstances beyond her control. To substantiate her position, she indicated that she had transmitted her medical certificates to the Principal concerned through postal mail and also via WhatsApp. However, she contends that the Principal concerned, *for reasons unknown*, has failed to forward these medical documents to the department. In addition thereto, it is the stance of the accused officer that the Principal concerned, contrary to the provisions outlined in Rule 20(2) and 35 of the Revised Leave Rules, 1981, inaccurately reported her absence instead of facilitating or requesting leave on medical grounds. This stance has been duly evaluated and considered by the Inquiry Officer and it has been observed by the Inquiry Officer that the accused officer without filing application for grant of medical leave remained absent from duty which tantamounts to misconduct because nothing had barred her to file an application for grant of leave. It has further been observed by the Inquiry Officer that after expiry of summer vacations in the year 2023, on 20.07.2023, she applied for two days causal leave i.e., 21.08.2023 and 22.08.2023 and then she became absent from duty w.e.f. 23.08.2023 to

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07.12.2023 without intimation and / or approval of leave. As per record, she joined her duty on 08.12.2023 and she again absented herself from duty w.e.f. 14.12.2023 till date. The inquiry officer after evaluating the record observed that the accused officer never submitted her original medical leave case alongwith required documents despite several reminders by the Principal of the Centre. The Inquiry Officer concluded that the accused officer failed to perform her duties and is found guilty of misconduct on account of absence from duty, hence her stance is not worth consideration. It is observed that findings of the Inquiry Officer, made after thorough evaluation of record, carry weight and does not suffer from misreading / non-reading of record.

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13. **AND WHEREAS**, it has been observed that the accused officer failed to appear on the scheduled hearing date set by the Hearing Officer. Upon her eventual appearance, she refused to mark her attendance. According to the Hearing Officer's report, she was asked whether she had submitted an application for medical leave, properly addressed to the Competent Authority, alongside any medical certificates forwarded to her school Principal, either electronically or by post? The accused officer conceded that she had not submitted any such application for medical leave. During hearing, the Hearing Officer highlighted that a formal application is essential for processing any type of leave, including medical leave in her case, and questioned her rationale for sending only medical reports to the Principal without an accompanying leave application. The accused officer explained that due to her health condition, she was unable to submit a formal application and assumed that simply informing the Principal via medical reports would suffice. She claimed to have resumed her duties on December 8, 2023, but stated that her health required her to take additional leave shortly thereafter, and she is currently on medical leave. The Hearing Officer then queried whether she had submitted an application for ex-post facto approval of her previous medical leave when she resumed her duties? She replied in negative. Furthermore, when asked if she had filed an application for her current medical leave, she again responded in the negative. The accused officer also alleged that her doctor had advised her against traveling, which, according to her, hindered her ability to perform her duties. However, it is a matter of record that during her self-declared medical leave, she applied for permission (NOC) to participate in the 2023 Competitive Examination (CSS) and, on September 25, 2023, visited the Special Education Department to collect this NOC. This action contradicts her stance, as she neither submitted an application nor provided supporting medical documentation to seek official leave approval from the department. The aforementioned actions indicate a blatant disregard for official protocols and a serious dereliction of duty. This behaviour amounts to gross misconduct, evidenced by her repeated failure to adhere to official norms and procedures. Consequently, charge No. 1, concerning her wilful absence from duty, is substantiated. Furthermore, it is noted that the accused officer's stance taken by her during inquiry proceedings, as well as in her additional defense reply, conflicts with the documented evidence. Given the consistent pattern of unauthorized absence and her evident indifference to official processes, a clear case of gross

misconduct has been established. It is further noted that charge No. 2 remained unproven based on the inquiry findings, therefore requires no further discussion.

14. NOW THEREFORE, I, Saima Saeed, Secretary Special Education being Competent Authority in the instant case, *in light of peculiar facts and circumstances of the case and for reasons recorded herein above*, am of the view that the accused officer has been found guilty of misconduct on account of absence from duty in terms of availing self-sanctioned medical leave and the charge stood proved against her. Therefore, *keeping in view the gravity of proven charge and while agreeing with the recommendations of the Inquiry Officer*, in exercise of powers vested upon me under Section 13(5)(ii) read with Section 4 of the PEEDA Act, 2006, major penalty of "**Removal from service**" in terms of Section 4(1)(b)(v) is hereby imposed upon the accused officer.

Saima Saeed

(SAIMA SAEED)
SECRETARY to

GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
COMPETENT AUTHORITY

Dated Lahore, the
November 11/11, 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. Statistical Officer, Directorate General of Special Education, Punjab, Lahore.
 4. District Education Officer (Special Education), Sahiwal to ensure delivery of this order to the accused officer under intimation to this department.
 5. Principal, Govt. Higher Secondary School of Special Education (HI), Sahiwal to ensure deliver of this order to the accused under intimation to this department.
 6. Accused officer concerned / **Ms. Saira Yousaf**, Psychologist (BS-17), Govt. Higher Secondary School of Special Education (HI), Sahiwal.
Resident of House No. 422, Zeenat Block, Allama Iqbal Town, Lahore.
- And
House No. 4, Income Tax Colony, Nawa Shehar, Multan.
7. PS to Secretary Special Education Department.
 8. Master File.

[Signature] 11/11/24

SECTION OFFICER (ESTT.-I)
SPECIAL EDUCATION DEPARTMENT