

REGISTERED



GOVERNMENT OF THE PUNJAB  
SPECIAL EDUCATION DEPARTMENT

ORDER

No. SO(Estt)1-106/2005. WHEREAS, Ms. Mubarka Noureen, Senior Special Education Teacher (H.I Field / BS-17), Govt. Secondary School of Special Education for HI (Boys), Gujrat ('accused officer') was initially granted Extra Ordinary Leave (EOL) from October 6, 2020, to October 5, 2021, as per the order dated October 5, 2020. This EOL was subsequently extended from October 6, 2021, to October 6, 2022, by order dated October 12, 2021, and further extended from October 7, 2022, to October 6, 2023, by order dated October 24, 2022. Upon the expiration of the approved extended leave, the accused officer was required to report to the Special Education Department on October 7, 2023. However, rather than resuming her duties, she submitted her resignation. The guidelines on resignation acceptance, as outlined in paragraphs 5 and 6 of the letter dated October 10, 2013, issued by the Regulation Wing of the Services & General Administration Department (S&GAD), stipulate that "an official availing leave of any kind, whether within or outside the province, must return to duty and thereafter submit a resignation only after clearing all accounts." Consequently, the accused officer was obligated to report back to the Department on October 7, 2023. Her failure to do so constitutes absence from duty, thereby amounting to misconduct.

2. **AND WHEREAS**, keeping in view the willful absence of the accused officer from duty, other ancillary and related facts of the case and on account of availability of sufficient documentary evidence on record, *while dispensing with regular inquiry*, disciplinary proceedings were initiated against the accused officer vide Show Cause Notice dated 23.07.2024 under Section 7(b) read with Section 5(1)(a) of the PEEDA Act, 2006 on the following charge of misconduct:

***"You were allowed Extra Ordinary Leave w.e.f. 06.10.2020 to 05.10.2021 vide order dated 05.10.2020 which was further extended w.e.f. 06.10.2021 to 06.10.2023 vide orders dated 12.10.2021 & 24.10.2022 and you were bound to report to this department on 07.10.2023 after expiry of your leave but you failed to do so. Hence, you have been found willfully absent from your duties w.e.f. 07.10.2023 till to date without any intimation or prior permission / approval of leave by the Competent Authority."***

3. **AND WHEREAS**, through the above said Show Cause Notice, the accused officer was directed to submit her defense reply within 07-days but she did not do so. Therefore, in order to finalize the disciplinary proceedings, the accused officer was afforded an opportunity of personal hearing under Section 7(d) of the Act *ibid* and for said purpose vide letter dated 30.10.2023, she was directed to appear before **Additional Secretary Special Education / Hearing Officer** appointed under Section 7(d) of the Act *ibid* on 17.10.2024.

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., 17.10.2024 despite service of notice of personal hearing on her residential address. For the sake of justice and to complete the hearing proceedings, the accused officer

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was afforded 2<sup>nd</sup> opportunity of personal hearing and she was directed to appear on 06.11.2024 but again she did not appear. The Hearing Officer further stated that as per record, the hearing notice was served to the accused officer on her residential address and copies were also sent to District Education Officer (Special Education) concerned and Headmistress concerned to ensure the delivery of notice to the accused officer. The Hearing Officer stated that hearing notices have also been sent to the accused officer on her official email address. The Hearing Officer stated that despite observing all just, legal and codal formalities and proper intimation the accused officer did not attend the personal hearing proceedings. The Hearing Officer was of the view that the accused officer has been found guilty of misconduct on account of absence from duty and the charge stood proved against her. 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.

5. **AND WHEREAS**, after having considered all aspects and material related to the case and report of Hearing Officer, it has been noticed that the accused officer was granted Extra Ordinary Leave w.e.f. 06.10.2020 to 05.10.2021 vide order dated 05.10.2020 which was subsequently extended from October 6, 2021, to October 6, 2022, by order dated October 12, 2021, and further extended from October 7, 2022, to October 6, 2023, by order dated October 24, 2022 and she was bound to report to this department on 07.10.2023 after expiry of her leave but she failed to do so and has been found willfully absent from duties w.e.f. 07.10.2023 till to date without any intimation or prior permission / approval of leave by the Competent Authority. It is matter of record that the accused officer was obligated to resume her duties on 07.10.2023, however, instead of reporting back, she chose to tender her resignation, contravening the specific procedural requirements stipulated by the Regulation Wing of S&GAD's guidelines dated 10.10.2013. These guidelines clearly state that officials on leave must resume duties and complete exit formalities, including account clearance, before resigning. Ms. Mubarka Noureen's failure to comply with this mandatory requirement constitutes a clear violation of procedural guidelines and professional obligations. As per record, since 07.10.2023, the accused officer has remained willfully absent from her duty without prior intimation, leave approval, or valid justification. Such unauthorized absence undermines departmental discipline and contravenes the duties expected from a Senior Special Education Teacher.

6. **AND WHEREAS**, the accused officer failed to furnish her written reply in response to the show caused notice dated 23.07.2024. Clause 5 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 and you have admitted the charge."*

In view of above quoted clause of Show Cause Notice, failure on the part of accused officer to file reply to Show Cause Notice tantamount to admission of charge, hence the charge leveled against the accused officer stood proved. It is further noted that if the available record, which shows the willful absence of the accused officer from duty w.e.f. 07.10.2023 till date (**for a period which is more than one year**), 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. Significantly, the accused officer was provided with ample opportunities of personal hearing, with explicit instructions to appear before the Hearing Officer, but she repeatedly failed to attend the scheduled personal hearing proceedings, indicating a

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lack of supporting documentation to substantiate her defence. It has further been observed that the accused officer instead of joining back the service tendered her resignation on 26.08.2023 which was forwarded by quarter concerned. It is observed in this regard that vide Circular No. SORI(S&GAD)2-2/2012 dated 10.10.2013 in Para No. 6, S&GAD issued instructions regarding acceptance of resignation of an employee availing leave in following terms;

*"6. It may be clarified that only that resignation will be accepted by the Competent Authority:-*

- i. Where the employee tendering resignation addresses his application to the authority, competent to accept his resignation.*
- ii. The resignation is not tendered as a protest. The officer / official expresses his own sweet will to resign from service.*
- iii. There is no financial or any disciplinary liability against the official tendering the resignation.*
- iv. **An official availing leave of any kind within or outside the province will have to come back and then tender his resignation after clearing the accounts.***
- v. An official who is on deputation to some other organization or a foreign country should submit his resignation after reporting back to the parent department."*

If the resignation of the accused officer is considered in the light of afore-quoted instructions, it can safely be inferred that the resignation is not tenable. Therefore, in view of the above instructions and gravity of proven charge, resignation tendered by the accused officer cannot be acceded to. It is further noted that Section 7(f) of the PEEDA Act, 2006 provides as under;

*(f) impose any one or more penalties mentioned in section 4, by an order in writing, if the charge or charges are proved against the accused:*

*Provided that-*

- (i) where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any; and*
- (ii) where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused.***

6. **AND WHEREAS**, after consulting the record, I am tempted to observe that no circumstances extenuating in nature exist in favour of the accused officer through which it can be deduced that absence of the accused officer is due to circumstances which are beyond her control. 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 Act *ibid* and constitutes culpable wrongdoing. Record fully corroborates that the accused officer has been found guilty of charge of absence from duty w.e.f. 07.10.2023 without prior approval / permission of Competent Authority.

7. **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

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accused officer has been found guilty of misconduct on account of absence from duty w.e.f. 07.10.2023 till date. 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.

Dated Lahore the  
November 25<sup>th</sup>, 2024

  
(SAIMA SAEED)  
SECRETARY to  
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. Statistical Officer, Directorate General of Special Education, Punjab, Lahore.
4. District Education Officer (Special Education), Gujranwala **to ensure delivery of this order to the accused officer on her official and residential address under intimation to this department.**
5. Headmaster / Headmistress, Govt. Secondary School of Special Education for HI (Boys), Gujrat **to ensure deliver of this order to the accused officer on her official and residential address under intimation to this department.**
6. Accused officer concerned / **Ms. Mubarka Noureen**, Senior Special Education Teacher (H.I Field / BS-17), Govt. Secondary School of Special Education for HI (Boys), Gujrat, **Resident of Mohallah Chah Bhandar, House No. 10/20, Gujrat.**
7. P.S. to Secretary Special Education Department.
8. Office File.

  
SECTION OFFICER (ESTT.-I)  
SPECIAL EDUCATION DEPARTMENT