

REGISTERED



ORDER

GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT

No. LO(Writ)1-10/2025. WHEREAS, Ms. Saman Zahra wife of Hatim Nasir resident of House No. 136, Sabina Town, Faisalabad, presently posted as Drawing Master (BS-11) at Govt. Special Education Centre Abdul Hakeem, District Khanewal ('appellant') filed Writ Petition No. 4817 of 2025 before Hon'ble Lahore High Court, Lahore with the following prayer:

"In view of above submissions and circumstances it is most respectfully requested that writ may very kindly be issued to the respondent No.1 & 2 to pass an order upon the complaints pending before them, by directing the respondent No. 4 (the Headmistress) to let join the school to the petitioner in pursuance of transfer orders dated 06.11.2024."

The said Writ Petition was **disposed of** by the Hon'ble Court with following order:

*"Learned counsel for the petitioner submits that the petitioner's transfer order was passed 06.11.2024, however, respondent No. 5 is not implementing the said order. Submits that the petitioner filed application on 07.12.2024 with respondent No. 1 and only wants that the said application be decided in accordance with law.
2. Learned Law Officer submits that the application, if pending, will either way be decided.
3. It is accordingly directed that respondent No.1 / Secretary Special Education either himself or through any other competent Authority will either way decide the aforesaid application of the petitioner, if pending, strictly in accordance with law, expeditiously preferably within a period of thirty (3) days from the date of receipt of certified copy of this order. This Writ Petition is **disposed of** in above terms."*

2. **AND WHEREAS**, as per record, the appellant was mutually transferred from Govt. Special Education Centre Abdul Hakeem, District Khanewal and posted at Govt. Secondary School of Special Education for Hearing Impaired Girls, Faisalabad by Director General Special Education / Competent Authority vide order dated 06.11.2024. In this order, another incumbent namely Ms. Rimsha Safdar was also transferred from Govt. Secondary School of Special Education for Hearing Impaired Girls, Faisalabad to Govt. Secondary School of Special Education for Hearing Impaired Girls, Mianwali. But vide order dated **18.11.2024**, the transfer order dated 06.11.2024 was withdrawn by Director General, Special Education and both officials were directed to continue at their present place of posting. The appellant, being aggrieved by the order dated 18.11.2024, filed application / representation under Section 21 of the Punjab Civil Servants Act, 1974 against order dated 18.11.2024 ('**Impugned Order**').

3. **AND WHEREAS**, pursuant to the directions of Hon'ble Lahore High Court, Lahore before granting hearing to the appellant, comments on the application / representation of the appellant were obtained from DGSE and case was fixed for 17.03.2025 for grant of

opportunity of personal hearing to the appellant in the presence of the Departmental Representative of Directorate General of Special Education, Punjab, Lahore.

4. **AND WHEREAS**, on 17.03.2025, the appellant did not appear. However, an application dated 17.03.2025 was received in this department on 18.03.2025 which was filed by the appellant whereby the appellant narrated her stance and requested for grant of another date of personal hearing. In the interest of justice and fair play, the appellant was granted 2nd opportunity of personal hearing and she was directed to appear on 10.04.2025. On the fixed date of hearing i.e., 10.04.2025, the appellant again failed to appear and upon contacting informed that she is unable to attend the hearing and requested that stance taken by her in her application, Writ Petition and application dated 17.03.2025 may be considered her stance for hearing and case may be decided. The appellant's stance taken in her application, Writ Petition and application dated 17.03.2025 is that she is a resident of Faisalabad and the mother of a two-year-old daughter. She travels daily on local transport, covering a distance of approximately 250 kilometers, which has caused her significant physical strain and even led to a miscarriage. She discovered that a teacher, Ms. Rimsha Safdar, had submitted a transfer application from Faisalabad to Mianwali. Following this, she also submitted a transfer application from Abdul Hakeem to Faisalabad, and her transfer order was approved. However, Ms. Rimsha Safdar's transfer from Faisalabad to Mianwali was also approved. But when she approached the Principal of Government Secondary School Special Education for Hearing Impaired Girls, Faisalabad to join her new position, the Principal refused to allow her to join. On 12.11.2024, she submitted an application to the Director General, Special Education, but later she found out that her transfer orders had been withdrawn without any valid reason. Lastly, she requested that her transfer order dated 06.11.2024 may be restored and the order whereby transfer order has been cancelled / withdrawn may be set aside and she may be allowed to join duty at Government Secondary School Special Education for Hearing Impaired Girls, Faisalabad.

5. **AND WHEREAS**, conversely, the Director (Admn), Directorate General of Special Education attend the hearings as Departmental Representative and apprised that Directorate General of Special Education, Punjab, Lahore received a request of transfer from Ms. Rimsha Safdar, Drawing Master (BS-11), Govt. Secondary School of Special Education for Hearing Impaired (Girls), Faisalabad against vacant post of Drawing Master (BS-11), Govt. Secondary School of Special Education for Hearing Impaired (Girls), Mianwali & Ms. Saman Zahara, Drawing Master (BS-11), Govt. Special Education Center, Abdul Hakeem, Tehsil Khanewal submitted application from transfer to Govt. Secondary School of Special Education for Hearing Impaired (Girls), Faisalabad against the post to be vacated by Ms. Rimsha Safdar. Accordingly, after approval from Competent Authority, Directorate General of Special Education issued orders of both Drawing Masters (BS-11) vide order No.16/3486-Admn:2022/10313 dated 06.11.2024. Meanwhile, Ms. Rimsha Safdar again submitted her request to cancel her request as her family has moved to her current place of posting and this Directorate General considered / accepted her request and withdrew the above said order vide order No. 16/3486-AdmN:2022/10711 vide order dated 18.11.2024. The Departmental Representative further stated that the transfer order has been cancelled / withdrawn and no discrimination has been meted out with the appellant. The stance of the appellant is based on misconception and devoid of merits.

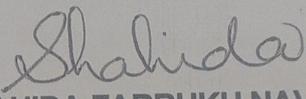
6. **AND WHEREAS**, upon thorough examination and review of the relevant record available within the case file, and being duly cognizant of the pertinent facts, it has been determined that the present representation / application is not maintainable under the provisions of sub-section (2) of Section 21 of the Punjab Civil Servants Act, 1974, which stipulates that no representation shall lie in matters concerning the determination of an individual's fitness to hold a specific post. It is also observed that Section 9 of the Punjab Civil

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Servants Act, 1974 provides that every civil servant shall be liable to serve anywhere within or outside the province in any post. Moreover, it is the prerogative of the Competent Authority to post out any officer working under his jurisdiction. Furthermore, the authority which issues an order can withdraw / cancel / modify the same under the law. It is well established that the employment carries an obligation to serve the employer at any place and the employee is required to be posted in accordance with the exigencies of service or administrative requirements. It is for the administration to take appropriate decision and such decision shall stand unless it is vitiated either by *mala fide* or by extraneous consideration without any factual background or foundation. The employees cannot choose their place of posting. It is further observed that the appellant was granted opportunities of personal hearing but she failed to appear for personal hearing. Moreover, as per record presented before me, the appellant was mutually transferred from Govt. Special Education Centre Abdul Hakeem, District Khanewal and posted at Govt. Secondary School of Special Education for Hearing Impaired Girls, Faisalabad by Director General Special Education being Competent Authority vide order dated 06.11.2024. In this order, another incumbent namely Ms. Rimsha Safdar was also transferred from Govt. Secondary School of Special Education for Hearing Impaired Girls, Faisalabad to Govt. Secondary School of Special Education for Hearing Impaired Girls, Mianwali. But, later on, vide order dated 18.11.2024, the transfer order dated 06.11.2024 was withdrawn by Director General, Special Education and both officials were directed to continue at their present place of posting. It is noted that the impugned order was issued by the Competent Authority / Director General of Special Education in accordance with the law and does not suffer from any legal infirmity, there is no basis for interference. The appellant can again apply for transfer to any suitable place of posting, hence no interference in this matter is required. Accordingly, the order dated 18.11.2024 whereby transfer order dated 06.11.2024 was cancelled is according to the law and stands affirmed.

7. **NOW THEREFORE**, for reasons recorded above, instant application / representation filed by the appellant is hereby **rejected** as being not maintainable and devoid of merits.

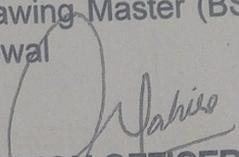
Dated Lahore the
April 30th 2025


(SHAHIDA FARRUKH NAVEED)
SECRETARY
GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT/
APPELLATE 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. Director (Admn), Directorate General of Special Education, Punjab, Lahore.
4. District Education Officer (Special Education), Multan and Faisalabad.
5. Appellant concerned / **Ms. Saman Zahra** wife of Hatim Nasir resident of House No. 136, Sabina Town, Faisalabad, presently posted as Drawing Master (BS-11) at Govt. Special Education Centre Abdul Hakeem, District Khanewal
6. PS to Secretary Special Education Department.


SECTION OFFICER (ESTT.-I)
SPECIAL EDUCATION DEPARTMENT