

ORDER

SO(Estt)7-19/2019: WHEREAS, Deputy District Education Officer (Special Education), Dera Ghazi Khan vide letter dated 13.09.2022 reported that **Ms. Kashifa Rashid**, Senior Special Education Teacher (VI Field/BS-17), Govt. Special Education Centre, Karor Lal Eason, District Layyah (**'accused officer'**) has been found absent from duty w.e.f. 01.09.2022 till date. The District Education Officer (Spl. Edu.), D.G. Khan vide letter dated 28.03.2023 intimated that the accused officer is presently performing her duties as DDO / Incharge Headmistress, Govt. Special Education Centre, Kot Sultan and submitted absence detail in following manner:

Sr. No.	Type of Leave	Period	Remarks of DEO (SE), D.G. Khan
1	Medical leave	17.08.2022 to 31.08.2022 (15-days)	She applied for medical checkup and submitted medical leave for 15-days. <u>Her sanction of medical leave is still awaited.</u>
2	Absent from duty	01.09.2022 to 10.09.2022 (10-days)	Remained absent from duty for 10-days without intimation

2. **AND WHEREAS**, keeping in view the willful and unauthorized absence of the accused officer from duties without prior approval of leave by the Competent Authority, *as delineated above*, and due to availability of sufficient documentary evidence on record, *while dispensing regular inquiry*, disciplinary proceedings were initiated against the accused officer vide Show Cause Notice dated **28.04.2023** under Section 7(b) read with Section 5(1)(a) of the PEEDA Act, 2006 (**'Act'**) on the following charge of misconduct on account of absence from duty:

"You have availed unauthorized leave w.e.f. 17.08.2022 to 31.08.2022 and you have also been remained absent from duty w.e.f. 01.09.2022 to 10.09.2022 without intimation / prior approval of the competent authority."

3. **AND WHEREAS**, through the above said Show Cause Notice, the accused officer was directed to submit her defence reply within 7-days and accordingly the accused officer filed written reply on 12.05.2023 which was examined and found unsatisfactory. Therefore, in order to finalize the disciplinary proceedings, *vide letter dated 24.05.2023*, the accused officer was afforded an opportunity of personal hearing under Section 7(d) of the Act *ibid* on **01.06.2023** and for said purpose **Deputy Secretary, Special Education** was appointed as **Hearing Officer** under Section 7(d) of the Act *ibid*.

4. **AND WHEREAS**, the Hearing Officer after affording opportunity of personal hearing to the accused officer, submitted report of hearing proceedings

stating therein that the accused officer appeared on **01.06.2023** and she while reiterating the stance already taken in her written defense, *inter alia*, contended that she is resident of Kot Sultan that is about 70 Km away from Govt. Special Education Centre, Karor Lal Eason, Layyah; that she had severe epigstic chest pain, eternal dyspnea and bursitis, due to these reasons, she could not to travel at far flung area; that she applied for grant of 15-days medical leave through proper channel w.e.f. 17.08.2022 to 31.08.2022; that after 31.08.2022, with rest and proper medication, she could not fully recover, therefore, she again applied for casual leave. Unfortunately, she got one day casual leave on 01.09.2022, which is not included in further 10 days w.e.f. 01.09.2022 to 10.09.2022 and she again called for grant of medical leave or extension in medical leave but, she did not get proper reply from Headmistress, Govt. Special Education Centre, Karor Lal Eason; that afterwards on 10.09.2022, when she joined duty, she received explanation from Headmistress, Govt. Special Education Centre, Karor Lal Eason and she submitted reply to explanation; that due to her serious health issues, she was going through a tough time, hence she apologized for the negligence from duty and requested that her apology may be accepted for showing negligence.

5. **AND WHEREAS**, the Hearing Officer after hearing the accused officer and examining the record submitted hearing report wherein following was observed;

"The accused officer was appointed on contract basis for a period of five years on 28.06.2019 and she joined her duties on 28.06.2019, which means that she is still a contract employee and her service is governed under the Contract Appointment Policy, 2004 and the terms and conditions laid down in offer of appointment dated 10.05.2019 duly accepted by her at the time of joining Govt. service.

The accused officer during the course of hearing took a plea that she applied for medical leave w.e.f. 17.08.2022 to 31.08.2022 through proper channel but her leave has not been sanctioned till date, it is observed in this regard that as per record no application for grant of medical leave has ever been received in this department. The accused officer was asked to place on record any document through which it can be established that her application was received in this department but she failed to do so.

The accused officer also took a stance that her period of absence w.e.f. 01.09.2022 to 10.09.2022 is also not intentional rather due to medical reason. She further stated that she was on causal leave on 01.09.2022 and on medical leave w.e.f. 02.09.2022 till 10.09.2022. Suffice is to note that this stance of the accused officer is misconceived because neither any application for grant of casual leave for 01.09.2022 and its approval by Headmaster/Headmistress concerned has been annexed by the accused officer with the reply nor presented during the course of hearing.

It is further observed that no application for grant of medical leave w.e.f. 02.09.2022 till 10.09.2022 / leave title and /or medical record for this period has been presented. It is observed that absence of the accused officer w.e.f. 01.09.2022 till 10.09.2022 was intentional and

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deliberate.

The accused officer has not succeeded to substantiate her stance regarding absence from duty without prior approval / sanction of Competent Authority and failed to prove her innocence. It is established from record that no extenuating circumstances are involved in this case which were beyond the control of the accused officer and the absence of the accused officer from duty w.e.f. 17.08.2022 to 31.08.2022 (15-days) and 01.09.2022 till 10.09.2022 (10-days) is willful and intentional."

6. **AND WHEREAS**, after having considered all aspects and material related to the case, reply of the accused officer with documents annexed therewith and report of Hearing Officer, it has been noticed that the accused officer was appointed in 2019 hence she is still a contract employee and her services are governed under the Contract Appointment Policy, 2004 and the terms and conditions laid down in offer of appointment dated 10.05.2019 duly accepted by her at the time of joining Govt. service. Clause 7(i) of the Annexure-B of the Contract Appointment Policy, 2004 titled *Guidelines for fixing terms and conditions of Contract Appointment*, provides that the competent authority may allow Extra Ordinary Leave without pay under special circumstances up to two months during the tenure of 3 to 5 years to a contract employee. However, the contractee during the first year of his appointment shall be entitled to extra ordinary leave (EOL) without pay for 15 days only. As per record, the accused officer was earlier granted 60-days Extra Ordinary Leave (without pay) vide order dated 23.06.2022, therefore, she had no EOL at her credit.

7. **AND WHEREAS**, as far as stance of accused officer that she applied for medical leave w.e.f. 17.08.2022 to 31.08.2022 through proper channel but her leave has not been sanctioned till date is concerned, it is observed that as per record no application for grant of medical leave has ever been received in this department. During the course of personal hearing, the accused officer was asked by the Hearing Officer to place on record any document through which it can be established that her application was received in this department but she failed to do so. As for the other stance of the accused officer that her period of absence w.e.f. 01.09.2022 to 10.09.2022 was also not intentional rather due to medical reason and she was on causal leave on 01.09.2022 and then on medical leave w.e.f. 02.09.2022 till 10.09.2022, it is noted that this stance of the accused officer is also misconceived and not supported by record because neither any application for grant of casual leave for 01.09.2022 and its approval by Headmaster/Headmistress concerned has been annexed by the accused officer with the written reply nor presented during the course of hearing. It is further observed that no application for grant of medical leave w.e.f. 02.09.2022 till 10.09.2022 / leave title and /or medical record for this period has been presented by the accused officer which is sufficient to rebut the stance taken by the accused officer. It is also observed that record fully shows that absence of the accused officer w.e.f. 01.09.2022 till 10.09.2022 was intentional and deliberate. It is also observed that nothing had estopped the accused officer to at-least inform the department but as per record she neither applied for leave w.e.f. 17.08.2022 to 31.08.2022 and w.e.f. 01.09.2022 till 10.09.2022 nor informed this

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department and preferred to proceed on leave without obtaining prior sanction of leave by competent authority. This fact manifestly establish that leave of the accused officer was unlawful and unauthorized.

8. **NOW THEREFORE**, I, **Saima Saeed**, Secretary Special Education being Competent Authority in the instant case, *for reasons recorded herein above*, in exercise of powers vested upon me under Section 7(f) read with Section 4 of the Act *ibid*, am of the view 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. 17.08.2022 to 31.08.2022 (**15-days**) and 01.09.2022 till 10.09.2022 (**10-days**) without prior approval / permission of Competent Authority and the conduct of the accused towards performance of her official duty remained prejudicial to good service discipline, therefore, minor penalty of '**withholding of increments for a period of two years**' under Section 4(1)(a)(ii) of the Act *ibid* 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
August, 08th/2023

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 Accounts Officer**, Layyah with the request to implement this order, under intimation to this Department.
4. **District Education Officer (Special Education)**, D.G. Khan to ensure delivery of this order to the accused and get this order implemented under intimation to this department.
5. **Headmaster**, Govt. Special Education Centre, Karor Lal Eason, District Layyah to ensure deliver of this order to the accused and also ensure implementation of this order under intimation to this department.
6. **Accused officer concerned / Ms. Kashifa Rashid**, Senior Special Education Teacher (VI Field/BS-17), Govt. Special Education Centre, Karor Lal Eason, District Layyah.
7. **PS** to Secretary Special Education Department, Lahore.

[Signature]
SECTION OFFICER (ESTT.)