



ORDER

**SO(Estt)40-596/2021: WHEREAS**, Deputy Director (Admn), Directorate General of Special Education vide letter dated 17.03.2023 forwarded letter of District Education Officer (Spl. Edu.), Faisalabad dated 02.02.2023 and letter of Headmaster, Govt. Primary Special Education Centre for 04-Disabilities, Bhowana, District Chiniot dated 25.01.2023 coupled with letters issued to **Mr. Muhammad Hamid**, Junior Special Education Teacher (BS-16/ HI Field), Govt. Primary Special Education Centre for 04-Disabilities, Bhowana, District Chiniot (**'accused officer'**) and extracts of attendance register whereby it has been intimated that the accused officer has absented from duties w.e.f. 01.09.2022 till date without approval of leave from the Competent Authority. Secretary Special Education / Competent Authority initiated disciplinary proceedings against the accused officer vide Show Cause Notice dated 06.04.2023 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 been found absent from your duties w.e.f 01.09.2022 till date without prior permission / approval of leave by the Competent Authority."**

2. **AND WHEREAS**, through the above said Show Cause Notice, the accused officer was directed to submit his defence reply within 07-days. Accordingly, he filed defense reply which was examined and found unsatisfactory. The accused officer in his defense reply, *inter alia*, contended as under;

*"With reference to your office notice bearing No.SO(Estt)40-596/2021 dated 06.04.2023 pertaining subject cited above received to the undersigned on 10.04.2023, wherein the undersigned has been directed to submit in writing defence against the show cause notice issued on account of following charge:*

*You have been found absent from duties w.e.f. 01.09.2022 till date without prior permission / approval of leave by the competent authority.*

*With great reverence and veneration, it is stated that I was working as Junior Special Education Teacher (BS-16/HI Field), Govt. Primary Special Education Centre for (04) Disabilities, Bhowana District Chiniot since 20.02.2021 (on contract basis). Due to severe health issues, I had to proceed on medical leave for 89 days w.e.f. 31.08.2022 to 28.11.2022. 89-days. After availing medical leave (without pay), I was to join my duty on 29.11.2022 but i was not able to join my duties due to health issues and could not inform to my authorities timely. It is further stated that due to personal domestic affairs and health issues, I do not want to continue my job as Junior Special Education Teacher (BS-16, HI Field), Govt. Primary Special Education Centre for (04) Disabilities, Bhowana District Chiniot. I hereby submit my resignation from my service.*

*Keeping in view, above narrated facts, it is humbly requested that resignation from Govt. Service may please be accepted graciously.*

*I shall be highly obliged."*

Lainna Saad

3. **AND WHEREAS**, in order to finalize the disciplinary proceedings, Secretary Special Education / Competent Authority decided to afford opportunity of personal hearing to the accused officer and for this purpose vide letter dated 03.05.2023 directed him to appear before the Deputy Secretary, Special Education / Hearing Officer appointed under Section 7 (d) of the Act ibid on 16.05.2023.

4. **AND WHEREAS**, the Hearing Officer submitted report stating therein that the accused officer did not appear on the date fixed for personal hearing i.e., 16.05.2023 despite intimation via phone call and service of notices of personal hearing on his residential address. The Hearing Officer further stated that The Headmaster, Govt. Special Education Centre, Bhowana appeared before the undersigned and stated as under;

*"Mr. Muhammad Hamid (JSET-HI) was absent from duty w.e.f. 29.11.2022 till now. I dispatched a letter to initiate inquiry against Mr. M. Hamid for willful absenteeism.*

*Today in morning I have contacted Mr. Muhammad Hamid but cannot contacted him. After that I contacted brother of Mr. Muhammad Hamid, JSET (HI Field/BS-16), named Mr. Khalid. He said that he resigned from his job and left this country. So, he cannot continue his job. So, please accept his resignation."*

5. **AND WHEREAS**, the Hearing Officer observed that the accused officer was appointed as Junior Special Education Teacher (BS-16/HI Field) on contract basis for a period of five years and posted at Govt. Special Education Centre, Bhowana vide order dated 18.02.2021 and he is a still a contract employee. The Hearing officer observed that defense reply submitted by the accused officer shows that he has admitted the charge of absence from duty without intimation or prior permission / approval of the Competent Authority, therefore, the charge of absence from duty leveled against him stood proved through record. As evident from record, the conduct of the accused towards performance of his official duty remained highly prejudicial to good service discipline, unbecoming of an officer and tantamounts to gross misconduct. The Hearing Officer further observed that the accused officer failed to substantiate his stance and to prove his innocence. It has further been observed by the Hearing Officer that the accused officer while admitting the charge of willful absence, in his defense reply, has requested that his reply may be considered as resignation. The Hearing officer is of the view that the stance of the accused officer is misconceived and cannot be allowed as S&GAD issued instructions regarding acceptance of resignation during pendency of enquiry proceedings under E&D rules/PRSO, 2000 bearing No. SOR.I(S&GAD)1-13/2004 dated 16.03.2004 wherein following guidelines were issued;

*"2. After having examined the matter thoroughly, the Regulations Wing sets forth the following guidelines for taking necessary action by the Administrative Departments/Competent Authorities on the subject:*

*(i) Once disciplinary action is initiated by the Competent Authority, the same must reach its logical conclusion and resignation tendered by the accused, during the conduct or pendency of disciplinary/enquiry proceedings should not be accepted. Only after the conclusion of the disciplinary proceedings and issuance of final orders under the relevant laws/rules by the competent authority,*

Laina Saad

necessary action regarding acceptance of resignation of the civil servant may be taken by the relevant appointing authority.

(ii) Where the enquiry proceedings have not yet been formally started by the competent authority but certain charges have emerged against the accused civil servant which relate to serious misconduct such as embezzlement, causing financial loss to the Government on account of his acts and omissions or otherwise the charges are of serious in nature, the resignation tendered by the accused should not be accepted without having started and completed the disciplinary action against him under the law/rules.

**(iii) Where the disciplinary proceedings have not yet been initiated by the Competent Authority and the charges are not of very serious nature and do not involve any loss to the government or any other individual e.g., absence from duty, Administrative Departments / Appointing Authorities may, in their discretion, accept resignation of the civil servant and disciplinary proceedings may not be initiated against him, if deemed appropriate.**

Vide Circular No. SORI(S&GAD)2-2/2012 dated 10.10.2013 in Para No. 4, the above stated instructions were reiterated in following terms;

*"4. S&GAD's instructions bearing No. SORI(S&GAD)1-13/2004 dated 16.03.2004 clarify as under:-*

*"Once disciplinary action is initiated by the competent authority, the same must reach its logical conclusion and resignation tendered by the accused, during the conduct or pendency of disciplinary / enquiry proceedings, should not be accepted. Only after the conclusion of the disciplinary proceedings and issuance of final orders under the relevant laws / rules by the competent authority, necessary action regarding acceptance of resignation of the civil servants may be taken by the relevant appointing authority."*

In view of above, the Hearing Officer observed that since disciplinary proceedings have already been initiated against the accused officer, therefore, he cannot resign from his job at this stage. The Hearing Officer concluded that the accused officer has been found guilty of misconduct on account of absence from duty and the charge stood proved against him. The accused officer is avoiding to appear for personal hearing and is delaying the finalization of disciplinary proceedings.

**6. 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 and report of Hearing Officer, in exercise of powers vested upon me under the Act *ibid*, am of the view that record fully corroborates that the accused officer has been found guilty of misconduct on account of absence from duty w.e.f. 01.09.2022. It is further observed that absence from duty is a grave misconduct as defined under Section 2(n)(vii) of the Act *ibid* and entails serious consequences. Due to the absence of the accused officer, *who is still a contract employee*, from duties, *for a period which is more than 8 months*, special student remained deprived from their basic right of education. It is manifestly clear that the conduct and careless attitude of the

accused officer toward performance of his official duties, *being contract employee*, shows that he is not interested in performing Govt. job and his 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*, **ex-parte** proceedings are initiated against him and his request to tender resignation is **declined**. Consequently, major penalty of "**Removal from service**" in terms of Section 4(1)(b)(v) is hereby imposed upon the accused officer and accordingly as per Clause 3(XVIII)(8) of the Contract Appointment Policy, 2004 his contract is hereby terminated.

  
(SAIMA SAEED)

SECRETARY to  
GOVERNMENT OF THE PUNJAB  
SPECIAL EDUCATION DEPARTMENT /  
COMPETENT AUTHORITY

Dated Lahore, the

May 25<sup>th</sup>, 2023

**No. & Date Even:**

A copy is forwarded for information and necessary action to the:-

1. The Accountant General Punjab, Lahore.
2. The Director General, Special Education Punjab, Lahore.
3. The District Education Officer (Special Education), Faisalabad.
4. Statistical Officer, Directorate General of Special Education, Punjab, Lahore.
5. Headmaster, Govt. Primary Special Education Centre for 04-Disabilities, Bhowana, District Chiniot.
6. Accused officer concerned / **Mr. Muhammad Hamid**, Junior Special Education Teacher (BS-16/ HI Field), Govt. Primary Special Education Centre for 04-Disabilities, Bhowana, District Chiniot, House No. P-126, Street NO.01, Ismael City, Daewoo Road, Faisalabad. (Mob No. 0334-6605531)
7. PS to Secretary Special Education Department, Lahore.

  
SECTION OFFICER (ESTT.)