

REGISTERED



GOVERNMENT OF THE PUNJAB  
SPECIAL EDUCATION DEPARTMENT

ORDER

SO(Estt)27-172/2012: WHEREAS, on the basis of sufficient documentary evidence available on record disciplinary proceedings were initiated against Ms. Najma Amanat Ali, Junior Special Education Teacher (MC Field) (BS-16), Govt. Special Education Centre, Zafarwal, District Narowal ('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 been found absent from duty w.e.f 27.02.2023 to 19.03.2023 without prior approval of the Competent Authority and proceed abroad on a passport obtained without NOC of Competent Authority in a private capacity."

2. 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 defence reply. In order to finalize the disciplinary proceedings, vide letter dated 26.04.2023, the accused officer was afforded an opportunity of personal hearing under Section 7(d) of the Act *ibid* on 03.05.2023 and for said purpose Deputy Secretary, Special Education was appointed as Hearing Officer under Section 7 (d) of the Act *ibid*.

3. 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 03.05.2023 and she while reiterating the stance already taken in her written defense requested that she may be exonerated from the charge.

4. AND WHEREAS, the Hearing Officer after examining the record stated that the accused officer filed an application dated 15.02.2023 for grant of 21-days, ex-Pakistan leave with pay to visit Saudi Arabia in order to perform Umra w.e.f. 27.02.2023 to 19.03.2023 duly supported with leave title issued by concerned District Accounts Office before Headmistress of the Centre. The application of the accused officer was forwarded to District Education Officer (Spl. Edu.), Gujranwala by the Headmistress concerned on 15.02.2023. District Education Officer (Spl. Edu.), Gujranwala vide letter dated 23.02.2023 forwarded the request of the accused officer to Directorate General of Special Education, Punjab, Lahore. Where-after, request of the accused officer was forwarded to Special Education Department vide letter dated 03.03.2023 received on 06.03.2023. The request of the accused officer was examined in Special Education Department and it was observed that the accused officer prior to approval / sanction of ex-Pakistan leave by the Competent Authority has proceeded on leave which tantamounts to gross misconduct and entail disciplinary proceedings. Keeping in view the 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, Secretary Special Education being Competent Authority, while dispensing regular inquiry, initiated disciplinary proceedings against the accused officer vide Show Cause Notice dated 28.04.2023 under Section 7(b) read with Section 5(1)(a) of the Act *ibid* on the above stated charge of misconduct on account of absence from duty.

5. AND WHEREAS, the Hearing Officer observed that the accused officer has not denied the fact that before decision of her application for grant of earned leave, she proceeded on leave rather she has submitted that due to urgency of matter she had to proceed on leave knowingly that her leave application has yet not been decided. The stance of the accused officer is not justifiable because no evidence establishing urgency of the matter has been annexed with the defence reply and also not presented during personal hearing. The Hearing Officer has also observed that mere filing of application does not confer any right to proceed on leave before its decision. The Hearing officer further observed that the accused officer has annexed sufficient documents, including but not limited to request for NOC to apply for passport dated 11.09.2019 and approval given by Special Education

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Department dated 21.10.2019, with her defense reply which establishes that she obtained NOC from Special Education Department for issuance of passport and the charge to this extent remained un-proved. The Hearing Officer is of the view that, it is established from record that the absence of the accused officer from duty w.e.f. 27.02.2023 till 19.03.2023 was willful and intentional. The Hearing Officer further observed that accused officer has been found guilty of misconduct only on account of absence from duty and the charge to that extent only is proved against her. The charge pertaining to proceeding abroad on passport obtained in private capacity remained un-proved. Lastly, the Hearing Officer suggested that *while taking lenient view*, minor penalty of "Censure" in terms of Section 4(1)(a)(i) of the Act *ibid* may be imposed upon the accused officer.

6. **NOW THEREFORE**, I, **Saima Saeed**, Secretary Special Education being Competent Authority in the instant case, after having considered all 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 mere filing of application for grant of leave, *even duly supported by leave account and ancillary documents*, does not confer any right in favour of the applicant to proceed on leave before its decision by the Competent Authority. From perusal of available record, it transpires that in the year 2022, the accused officer proceeded abroad to perform Umra without approval of her ex-Pakistan leave and this department, *while taking lenient view*, allowed her application by according *ex-post facto* sanction to the grant of 22-days' ex-Pakistan leave in favour of the accused officer vide order dated 05.08.2022. This fact manifestly shows that the accused officer is habitual of committing misconduct. Since, the accused officer has been found guilty of charge of absence from duty and the conduct of the accused officer towards performance of her official duty remained prejudicial to good service discipline and tantamounts to gross misconduct but the charge to the extent of proceeding abroad on passport obtained in private capacity remained un-proved, therefore, *while agreeing with the suggestions of Hearing Officer, keeping in view the gravity of proven charge and while taking lenient view*, minor penalty of "Censure" is hereby imposed upon the accused officer under Section 7(f) read with Section 4(1)(a)(i) of the Act *ibid*.

7. **NOTWITHSTANDING ABOVE**, for regularization of service of the accused officer, the absence period of the accused officer w.e.f. 27.02.2023 till 19.03.2023 is hereby ordered to be treated as leave of kind due with pay.



(SAIMA SAEED)

SECRETARY to

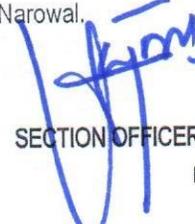
GOVERNMENT OF THE PUNJAB  
SPECIAL EDUCATION DEPARTMENT /  
COMPETENT AUTHORITY

Dated Lahore, the  
May 13 /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. District Education Officer (Special Education), Gujranwala to ensure delivery of this order to the accused officer under intimation to this department.
4. Headmaster / Headmistress, Govt. Special Education Centre, Zafarwal, District Narowal to ensure deliver of this order to the accused officer under intimation to this department.
5. PS to Secretary Special Education Department, Lahore.
6. Accused officer concerned / **Ms. Najma Amanat Ali**, Junior Special Education Teacher (MC Field) (BS-16), Govt. Special Education Centre, Zafarwal, District Narowal.

  
SECTION OFFICER (ESTT.)