

REGISTERED



GOVERNMENT OF THE PUNJAB  
SPECIAL EDUCATION DEPARTMENT

ORDER

No. SO(Estt)40-31/2011. WHEREAS, Ms. Nazia Hassan Malik, Junior Special Education Teacher (H.I Field / BS-16), Government Special Education Centre, Muridke ('accused officer') was granted 304 days ex-Pakistan Leave w.e.f 01.05.2022 to 08.06.2022 (39 days with full pay) and w.e.f. 09.06.2022 to 28.02.2023 (265 days without pay) vide order dated 15.04.2022. The ex-Pakistan Extra Ordinary Leave was subsequently extended vide order dated 03.03.2023 for further period of 90-days subject to title w.e.f. 01.03.2023 to 29.05.2023 with the direction to the accused officer to report to this Department after expiry of leave. After the expiration of said leave, the accused officer was bound to report to Special Education Department on 30.05.2023. However, instead of resuming her duty, she submitted a resignation through email and requested to issue GP Fund and Experience letter. Whereas, paragraphs 5 & 6 of the guidelines regarding acceptance of resignation issued by the Regulation Wing of S&GAD in their letter dated 10.10.2013, states that "an official availing leave of any kind within or outside the province will have to come back and then tender his / her resignation after clearing the accounts". Hence, she was bound to join back in this Department on 30.05.2023, however, she failed to do so and hence she was found absent from duty since that date, constituting misconduct on her part.

2. **AND WHEREAS**, keeping in view the willful absence of the accused officer from duty w.e.f. 30.05.2023 to date, 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 her vide Show Cause Notice dated 21.11.2024 under Section 7(b) read with Section 5(1)(a) of the PEEDA Act, 2006 on the following charge of misconduct:

*Shahida*

**"You were allowed 304 days ex-Pakistan Leave w.e.f 01.05.2022 to 08.06.2022 (39 days with full pay) and w.e.f. 09.06.2022 to 28.02.2023 (265 days without pay) vide order dated 15.04.2022. The ex-Pakistan Leave was subsequently extended for 90 days w.e.f. 01.03.2023 to 29.05.2023 with the direction to report to this Department after expiry of leave vide order dated 03.03.2023. After the expiration of the said leave, you were bound to report to Special Education Department on 30.05.2023 but you failed to do so. Hence, you have been found willfully absent from your duties w.e.f. 30.05.2023 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 written 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 26.02.2025, she was directed to appear before **Section Officer (Estt-II), Special Education Department / Hearing Officer** appointed under Section 7(d) of the Act *ibid* on **04.03.2025**.

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., 04.03.2025 despite due intimation and service of notice of personal hearing on her residential address. For the sake of justice and to complete the hearing proceedings, the accused officer was afforded 2<sup>nd</sup> opportunity of personal hearing and she was directed to appear on **21.03.2025** 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 Headmaster / Headmistress concerned to ensure the delivery of notice to the accused officer through all possible means including email on her official email address. 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 appointed as Junior Special Education Teacher (H.I Field / BS-16) in the year 2012 on contract basis for the period of 05 years and posted at Govt. Special Education Centre, Jinnah Town, Faisalabad and subsequently, her services were regularized. The accused officer was granted 304-days ex-Pakistan Leave w.e.f 01.05.2022 to 08.06.2022 (39 days with full pay) and w.e.f. 09.06.2022 to 28.02.2023 (265 days without pay) vide order dated 15.04.2022. The ex-Pakistan Leave was subsequently extended for further period of 90-days subject to title w.e.f. 01.03.2023 to 29.05.2023 with the direction to the accused officer to report to this Department after expiry of leave vide order dated 03.03.2023. After the expiration of said leave, she was bound to report to Special Education Department on 30.05.2023, however, she failed to do so, hence she was found absent from duty since that date. It is matter of record that the accused officer was obligated to resume her duties on 30.05.2023, however, instead of reporting back, she chose to tender her resignation on 28.07.2024 (after lapse of more than one year of expiry of leave) and that too through email dated 29.07.2024, 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. The accused officer's failure to comply with this mandatory requirement constitutes a clear violation of procedural guidelines and professional obligations.

Shahida

6. **AND WHEREAS**, the accused officer failed to furnish her written reply in response to the Show Cause Notice dated 21.11.2024. 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. 30.05.2023 till date (**for a period which is nearly two years**), 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 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 through email on 28.07.2024 and not received through proper channel. 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 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.**

7. **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. 30.05.2023 without prior approval / permission of Competent Authority.

8. **NOW THEREFORE**, I, **Shahida Farrukh Naveed**, 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 accused officer has been found guilty of misconduct on account of absence from duty w.e.f. 30.05.2023 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) read with Section 7 (f)(ii) of the Act *ibid* is hereby imposed upon the accused officer.

Dated Lahore the  
April 22, 2025

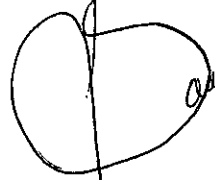
  
(SHAHIDA FARRUKH NAVEED)  
SECRETARY  
GOVERNMENT OF THE PUNJAB  
SPECIAL EDUCATION DEPARTMENT /  
COMPETENT AUTHORITY

**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), Lahore 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. Special Education Centre, Muridke 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. Nazia Hassan Malik**, Junior Special Education Teacher (H.I Field / BS-16), Govt. Special Education Centre, Muridke Resident of 45-3-48 Sharif Park Allama Iqbal Town, Lahore AND 45-S-48 Sharif Park Multan Road, Lahore. Email: [Nazia.sijjal@gmail.com](mailto:Nazia.sijjal@gmail.com). Mobile No: 03004990404.
7. P.S. to Secretary Special Education Department.
8. Office File.

  
25/4/25

SECTION OFFICER (ESTT.-I)  
SPECIAL EDUCATION DEPARTMENT