

REGISTERED



**GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT**

ORDER

No. SO(Estt.) 44-22/2012. WHEREAS, Hafiz Ali Mohsin, ex-Vice Principal (Compulsory Retired vide order dated 28.08.2017) previously posted as Principal, Al-Ghazali Special Education Centre for Physically Handicap Children, Rawalpindi, resident of Aziz Street, Najaf Bazar, Laiqatabad, Kot Lakhpat, Lahore ('petitioner') filed Writ Petition No. 61951 of 2023 before Hon'ble Lahore High Court Lahore, with following prayer:

"It is therefore, respectfully prayed that the respondents may be directed to decide the representation of the petitioner as soon as possible as the petitioner is legally entitled to get the pensionary benefits under the law and also in great need of the said pension."

The Hon'ble Lahore High Court, Lahore vide order dated 25.09.2023 **disposed of** the case with following order:

"xxx. 2. Accordingly this petition alongwith its annexures is transmitted to respondent No.1 who is directed to decide the same and the representation, appended thereto through a speaking and well-reasoned order, after hearing the petitioner and all other concerned persons, strictly in accordance with law within a reasonable period, preferably within 30 days after the date of receipt of certified copy of this order under intimation to Deputy Registrar (Judicial) of this court. In order to regulate further proceedings, the petitioner shall appear before the said respondent on 02.10.2023 at 11:00 AM. Learned law officer shall convey this order to the quarter concerned."

Disposed of."

2. AND WHEREAS, the petitioner in compliance with the order passed by Hon'ble Lahore High Court, Lahore did not appear on 02.10.2023. Therefore, in order to comply with the directions of Hon'ble Court, the petitioner was directed to appear before the undersigned on 16.10.2023. The petitioner appeared on the fixed date and while reiterating the stance already taken by him in his application and Writ Petition requested that he is legally entitled for pension, hence his representation may be allowed and his pension alongwith pensionary benefits may be released.

3. AND WHEREAS, on behalf of Directorate General of Special Education, Director (Admin) attended the hearing and while relying upon the record stated that as per record the petitioner was appointed as Junior Special Education Teacher (BS-16) through PPSC in the year 1998. Later on, he was selected as Senior Teacher (BS-17) through Federal Public Service Commission in the year 2001. In the year 2008, he was promoted as Vice Principal. After 18th amendment in the Constitution of Pakistan in 2011, alongwith others, the petitioner was devolved to Provincial Government and subsequently declared as Civil Servant pursuant to insertion of Section 22-C in the Punjab Civil Service Act, 1974. The petitioner was transferred and posted as Vice Principal, Govt. National

Laina Saeed

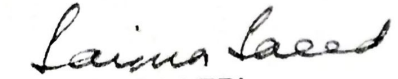
Special Education Centre, Johar Town, Lahore vide order dated 08.04.2014 and vide order dated 18.07.2016, he was entrusted with the additional Charge of the post of Principal of the Govt. National Special Education Centre, Johar Town, Lahore. The then Secretary Special Education transferred the petitioner from Govt. National Special Education Centre, Johar Town, Lahore and posted him at Govt. Al-Ghazali Special Education Centre for Physically Handicap Children, Rawalpindi against a vacant post of Principal (BS-19) vide order dated 02.03.2017. The petitioner, instead of complying with the order dated 02.03.2017, submitted a medical certificate issued by the Medical Superintendent, Jinnah Hospital, Lahore, for medical leave w.e.f. 27.04.2017 to 03.05.2017 to the Principal, Govt. National Special Education Centre, Johar Town, Lahore and proceeded on medical leave. The Department approached the Medical Superintendent of Jinnah Hospital, Lahore for verification of medical certificate. In response, Medical Superintendent of Jinnah Hospital, Lahore, vide letter dated 16.06.2017 informed that the Medical Certificate was not verified. Afterwards, the petitioner was proceeded departmentally vide Show Cause Notice dated 23.06.2017 on the charges of misconduct and inefficiency which culminated into imposition of major penalty of compulsory retirement upon the petitioner vide order dated 28.08.2017. Against the penalty order, the petitioner filed departmental appeal, Service Appeal and Writ Petition which were dismissed. Lastly, the petitioner filed CPLA No. 1600/2019 against order dated 14.02.2019 passed by Punjab Service Tribunal, Lahore. The said CPLA was dismissed on 18.03.2022. The Director (Admn.) further stated that the petitioner was appointed in Government Service in year 1998 and he was awarded major penalty in the year 2017, if the length of service of the petitioner is calculated the same came to 19 years. As per Rule 3.5 of Pension Rules, 1955, if any person is compulsorily retired than for start of monthly pension 20 years' regular service is required. He further stated that as per record, the petitioner did not file pension papers and has also not submitted certificate issued by Accountant General, Punjab regarding qualifying service for grant of monthly pension. Lastly, he requested that the petitioner may be directed to submit his pension papers complete in all respect alongwith certificate issued by Account General, Punjab verifying his qualifying service for grant of monthly pension.

4. **AND WHEREAS**, during the course of hearing the petitioner was confronted with the query *'whether he applied for grant of pension after imposition of penalty before filing instant application?'* In response to that the petitioner replied in negative and admitted that he never applied for grant of pension earlier. The petitioner was also confronted with the query, *'whether he has filed / submitted pension papers complete in all respects for grant of monthly pension?'* In response to that the petitioner again replied in negative and stated that he has not filed pension papers. The petitioner was also asked *'whether he has obtained certificate from Accountant General, Punjab regarding his qualifying service for grant of monthly pension?'* In response, he stated that he is not in possession of any such certificate. The petitioner stated during the hearing that his CPLA against penalty order is pending before Supreme Court of Pakistan which has not yet been fixed for hearing. The petitioner was asked to indicate the number of his pending CPLA and the last date of its hearing in the Supreme Court of Pakistan. In response, the petitioner stated that he has no record with him in this regard. Whereas, as per record, CPLA No. 1600/2019 filed by the petitioner against order dated 14.02.2019 passed by Punjab Service Tribunal, Lahore has already been dismissed by August Supreme Court of Pakistan on 18.03.2022.

5. **NOW, THEREFORE**, in the light of above stated facts, I, **Saima Saeed**, Secretary Special Education / Respondent No. 1 in the instant case, after having

Saima Saeed

considered all the aspects, material related to the case alongwith applicable laws/rules, verbal submissions of the petitioner, am of considered view that the petitioner has not applied for grant of monthly pension through proper procedure as no pension paper complete in all respect has been submitted by him. Moreover, the petitioner has also not provided certificate issued by Accountant General, Punjab regarding his qualifying service for grant of monthly pension. Hence, the grievance of the petitioner is pre-mature, therefore, instant representation is hereby **disposed of** with direction to the petitioner to submit/file pension papers complete in all respects duly support with all relevant record and certificate issued by Accountant General, Punjab regarding his qualifying service for grant of monthly pension through proper channel within **15 days** from the date of receipt of this order. The order dated 25.09.2023 passed by Hon'ble Lahore High Court, Lahore in Writ Petition No. 61951/2023 is hereby complied with in above stated terms.


(SAIMA SAAED)

SECRETARY to
GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
RESPONDENT NO. 1

Dated Lahore, the
October 26th 2023

No. & Date Even:

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

1. Deputy Registrar (Judicial), Lahore High Court, Lahore in compliance of order dated 25.09.2023 passed in Writ Petition No. 61951/2023.
2. Director General, Special Education, Punjab, Lahore.
3. Deputy Director (Admin), Directorate General of Special Education, Punjab, Lahore.
4. District Education Officer (Special Education), Lahore to ensure delivery of this order to the petitioner through special messenger under intimation to this department.
5. P.S. to Secretary Special Education Department.
6. Petitioner / **Mr. Hafiz Ali Mohsin, ex-Vice Principal, resident of Aziz Street, Najaf Bazar, Laiqatabad, Kot Lakhpat, Lahore (Mob No. 0322-4320688).**
7. Master File.


SECTION OFFICER (ESTT.)
SPECIAL EDUCATION DEPARTMENT