



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT

ORDER

No. SO (Estt.)01-117/2010. WHEREAS, Ms. Tehniat Zulfiqar, Junior Special Education Teacher (Hearing Impaired Field)(BS-16), Government Special Education Centre, Aziz Bhatti Town, Lahore filed Writ Petition No. 27873/2020 in the Honourable Lahore High Court, Lahore against her transfer to Govt. Special Education Centre, Pindi Bhattian, District Hafizabad. The instant Writ Petition was disposed of by the Hon'ble Lahore High Court, Lahore on 19.06.2020 with the following directions:

"Respondent No. 1 is directed to consider the application of the petitioner (Annex-G) in accordance with law, relevant rules and policies applicable thereto after associating the petitioners and pass a speaking order according to Section 24-A of the General Clauses Act, 1897. It is clarified that the order of the Court would not be construed as to the authenticity or merits of the case and this Court feels confident that the matter would be decided expeditiously after receipt of certified copy of this order.

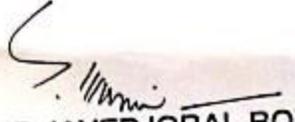
Disposed of".

2. AND WHEREAS, pursuant to the direction of Honourable Lahore High Court, Lahore, the Petitioner was afforded an opportunity of personal hearing on 12.08.2020. During hearing, the petitioner contended that she is permanent resident of Lahore. She further contended that she is a single parent and has to look after her two minor children. She herself is also suffering from critical ailment and due to her son's medical treatment she cannot afford travelling. Moreover, during her 13 years of service she had served 8 years outside Lahore. She further contended that she had been transferred to Govt. Special Education Centre, Pindi Bhattian, District Hafizabad vide order dated 17.03.2020 on administrative grounds without any fault of her. She requested that her transfer orders may be withdrawn.

3. AND WHEREAS, the Petitioner was appointed as Junior Special Education Teacher (HI Field)(BS-16) on contract basis vide order dated 05.05.2007 and posted at Govt. Special Education Centre, Pindi Gheb District Attock. She was transferred and posted at Govt. Special Education Centre, Gujjar Khan District Rawalpindi vide order dated 17.08.2009. She was further transferred to Govt. Special Education Centre Ferozewala, Sheikhpura vide order dated 02.07.2011 on her own request and was again transferred and posted at Govt. Special Education Centre, Aziz Bhatti Town, District Lahore vide order dated 01.03.2014 on her own request. She was transferred by the Secretary Special Education/Competent Authority and posted at Govt. Special Education Centre, Pindi Bhattian, District Hafizabad vide order dated 17.03.2020 on administrative grounds. She had been serving at the same station for about 06 years. Transfer Policy of Govt. of the Punjab

does not restrict the Competent Authority to make transfer after completion of three years tenure at a particular place of posting. Moreover, the post of Junior Special Education Teacher (HI Field)(BS-16) is of provincial cadre and the incumbent is to serve anywhere in Punjab as per offer of appointment accepted at the time of joining. Furthermore, under Section 9 of the Punjab Civil Servants Act, 1974, a civil servant is liable to serve anywhere in the Province. Petitioner cannot claim posting at a particular station or at the place of her own choice. Since the Petitioner had been serving at same station for 06 years, therefore, Secretary Special Education / Competent Authority transferred her to Govt. Special Education Centre, Pindi Bhattian, District Hafizabad on administrative grounds.

4. **NOW, THEREFORE**, in the light of above stated facts, I, Syed Javed Iqbal Bokhari, Secretary Special Education / Respondent, hereby reject the representation of the Petitioner / Ms. Tehniat Zulfiqar, Junior Special Education Teacher (Hearing Impaired Field)(BS-16), Government Special Education Centre, Aziz Bhatti Town, Lahore. The order dated 19.06.2020 passed by the Honourable Lahore High Court, Lahore in the Writ Petition No. 27873/2020 is accordingly complied with in the above stated manner.

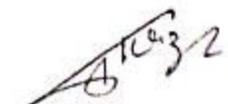

(SYED JAVED IQBAL BOKHARI)
SECRETARY SPECIAL EDUCATION/
RESPONDENT

Dated Lahore, the
August, 18th 2020

No. & Date Even:

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

1. Deputy Registrar (Judicial), Lahore High Court, Lahore in compliance with orders dated 19.06.2020 in Writ Petition No. 27873/2020.
2. Director General, Special Education, Punjab, Lahore.
3. District Education Officer (Special Education), Lahore.
4. Head of institute concerned.
5. P.S. to Secretary Special Education Department.
6. P.A. to Additional Secretary Special Education Department.
7. Petitioner concerned.
8. Master File.


SECTION OFFICER (Estt.)