



GOVERNMENT OF THE PUNJAB  
SPECIAL EDUCATION DEPARTMENT  
31-Sher Shah Block New Garden Town, Lahore  
Dated Lahore the October 22, 2020

**ORDER**

No. SO(Estt.) 10-633/2014. **WHEREAS**, disciplinary proceedings were initiated against the Appellant / Ms. Zainab Mushtaq, Senior Special Education Teacher (PHC)(BS-17), Govt. Special Education Centre, Sohawa District Jhelum under the Punjab Employees Efficiency, Discipline & Accountability (PEEDA) Act, 2006 on the charges of "misconduct" vide Show Cause Notice dated 07.12.2015 under Section 7(b) read with Section 5(1)(a) of the Act Ibid.

2. **AND WHEREAS**, she was awarded major penalty of "Removal from Service" under the PEEDA Act, 2006 vide order dated 26.02.2016 by Secretary Special Education / Competent Authority.

3. **AND WHEREAS**, the Appellant filed an appeal before the Chief Secretary / Appellate Authority under section 16 of the PEEDA Act, 2006, against the above mentioned order passed by the Competent Authority.

4. **AND WHEREAS**, comments on appeal of the Appellant were obtained by the Chief Secretary from the Administrative Department and Secretary (Archives) S&GAD was appointed as Hearing Officer to afford an opportunity of personal hearing to the Appellant on behalf of Appellate Authority.

5. **AND WHEREAS**, Secretary (Archives) S&GAD / Hearing Officer after affording personal hearing to the Appellant on 03.03.2020 in the presence of Departmental Representative of Special Education Department submitted report of hearing proceedings to Chief Secretary, Punjab stating therein that the Appellant while working as Senior Special Education Teacher (PH Field), Govt. Special Education Centre, Sohawa District Jhelum was found absent from duty w.e.f. 26.08.2015 without any intimation. Therefore, Secretary Special Education / Competent Authority while dispensing with regular enquiry issued Show Cause Notice to the Appellant on the charge of misconduct on account<sup>of</sup> absence from duty w.e.f 26.08.2015 under the PEEDA Act, 2006 and after providing an opportunity of personal hearing through the designated hearing officer imposed the impugned penalty upon the Appellant. The Secretary (Archives) S&GAD / Hearing Officer observed that during hearing, the Appellant could not bring any additional evidence in support of her stance and repeated the same defence which has already been thrashed out by the Competent Authority.

6. **AND WHEREAS**, after examining the record / material available in the case file, considering appeal of the Appellant and report of hearing proceedings of the Hearing Officer, I am of the view that the Appellant remained absent from duty for a period of more than one year. Section 13(5)(ii) of the PEEDA Act, 2006 provides that where charge of absence from duty for a period of more than one year is proved, the penalty of compulsory retirement or dismissal or removal from service shall be imposed. The Competent Authority has, therefore, rightly imposed the impugned penalty upon the Appellant on proven charge of absence from duty, in accordance with law. During hearing proceedings before the Hearing Officer, the Appellant has not produced any additional evidence to rebut the evidence already available on record to prove her innocence. The Appellant has failed to substantiate her stance in her appeal.

7. **NOW THEREFORE**, under the circumstances, I, Jawwad Rafique Malik, Chief Secretary Punjab, in exercise of powers conferred upon me under Section 16 of the PEEDA Act, 2006, do hereby reject the appeal of Ms. Zainab Mushtaq, being devoid of merit and not covered under the law / rules.

Dated: 21.09.2020

(JAWWAD RAFIQUE MALIK)  
CHIEF SECRETARY PUNJAB

  
(SYED JAVED IQBAL BOKHARI)  
SECRETARY SPECIAL EDUCATION

**No. & Date Even.**

A copy is forwarded to the:-

1. Personal Staff Officer to Chief Secretary, Punjab.
2. Accountant General, Punjab, Lahore.
3. Director General, Special Education, Punjab, Lahore.
4. District Education Officer (Special Education), Rawalpindi.
5. Appellant concerned.
6. PS to Secretary Special Education Department.
7. Master File.

  
SECTION OFFICER (ESTT).