

REGISTERED



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT

ORDER

No. SO(Estt.)40-86/2011. WHEREAS, Ms. Rabia Tabassam, Junior Special Education Teacher (Hearing Impaired Field) (BS-16), Govt. Secondary School of Special Education for Hearing Impaired (Girls), Multan filed Crl. Org. No. 391-W-2020 in Writ Petition No. 3052/2020 in the Honourable Lahore High Court, Multan Bench, Multan against her transfer to Govt. Special Education Center, Tibba Sultanpur, District Vehari. The instant Crl. Org. was disposed of by the Hon'ble Court on 22.10.2020 with the following directions:

“The Petitioner is directed to appear before Secretary Special Education / Respondent No.1 on Monday (26.10.2020) at 10:00 am who shall decide the appeal of the Petitioner strictly in accordance with law on the same day.

2. It is contended by learned counsel for the petitioner that the petitioner has not relinquished the charge and transfer order was suspended, therefore, there was no question of giving her joining at the transfer place and the principal who accepted the joining of the other incumbent himself relieving the petitioner and in such circumstances, the petitioner, who had not given the joining at the transfer place on account of the injunctive order issued by the PST was entitled to receive her salary. The matter relating to salary shall also be resolved by the Secretary Special Education / respondent No.1, while dealing with the appeal of the petitioner.”

2. AND WHEREAS, pursuant to the directions of Honourable Court, the Petitioner appeared before Secretary Special Education / Competent Authority on 26.10.2020. During personal hearing, the Petitioner stated that her husband is working in Multan Power Supply Company and, therefore, under Wedlock Policy she may not be transferred out of Multan and she may be accommodated in the same District. She further contended that her husband met an accident few months ago and his right arm was damaged and there is no other person to look after her four children hence it is not practically feasible for her to join her new place of posting in other district due to her medical condition as well. At last, she requested that her salary may be released as she is facing severe financial problems and salary of her intervening period may also be decided and she may be transferred to any other school within Multan on compassionate grounds.

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3. **AND WHEREAS**, the Petitioner was appointed as Junior Special Education Teacher (Hearing Impaired Field) (BS-16) on contract basis for a period of five years vide order dated 03.02.2012 and posted at Government School for Deaf & Defective Hearing, Muzaffargarh. She was transferred to Government Secondary School of Special Education for Hearing Impaired (Girls), Multan on her own request vide order dated 26.02.2014. While working at the same station, her services were regularized w.e.f 11.07.2014. Record shows that total tenure of the Petitioner at Govt. Secondary School of Special Education for Hearing Impaired (Girls), Multan was about 06 years and Transfer Policy of the 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) is of provincial cadre and the incumbents are to serve anywhere in Punjab as per offer of appointment accepted at the time of joining. Since the Petitioner had the longest tenure at Govt. Secondary School of Special Education for Hearing Impaired (Girls), Multan amongst Junior Special Education Teachers (Hearing Impaired Field), therefore, she was transferred to Govt. Special Education Center, Tibba Sultanpur District Vehari on administrative grounds vide order dated 14.02.2020. She was relieved from Govt. Secondary School of Special Education for Hearing Impaired (Girls), Multan on 15.02.2020 to join her new place of posting.

4. **AND WHEREAS**, the Petitioner filed Writ Petition No. 2547/2020 in the Honorable Lahore High Court, Multan Bench, Multan against her transfer and the same was disposed of by the Hon'ble Court on 17.02.2020 with the following directions:

"The request being genuine is acceded to and the office is directed to transmit copy of this writ petition alongwith all annexures to the Secretary, Special Education Punjab, Lahore / respondent No. 2, who will treat the same as a review petition on behalf of the petitioner and decide the same at the earliest preferable within 15 days from the date of receipt of order of this Court, in accordance with law / rules, by passing a speaking order, after affording right of audience to the petitioner."

5. **AND WHEREAS**, pursuant to the direction of Honourable Court, the Petitioner was called for personal hearing on 06.03.2020 and 12.03.2020, but she did not turn up. Secretary Special Education called the record and examined it and rejected the review petition of the Petitioner as *ex-parte* vide order dated 24.06.2020. The Petitioner filed an Appeal before the Chief Secretary / Appellate Authority against order dated 14.02.2020. Report and parawise comments were submitted to

Chief Secretary on 12.03.2020. Meanwhile, she filed Appeal No. 830 / 2020 in the Honourable Punjab Service Tribunal, Lahore which was disposed of vide order dated 20.02.2020 with the following observations:

“xxxx. Respondent No. 1 (Chief Secretary, Punjab, Lahore) is directed to decide the departmental appeal, if any, pending before him, within statutory period or 30 days from receipt of this order after hearing the appellant as well as other concerned and the departmental representative and pass a self-explanatory order and till then, the operation of the impugned order dated 14.02.2020 shall remain suspended, if the appellant has not relinquished the charge / if the impugned order not acted upon.”

6. **AND WHEREAS**, the Petitioner filed Writ Petition No. 3052 / 2020 in the Honourable Lahore High Court, Multan Bench, Multan for implementation of order dated 20.02.2020 passed by the Honourable Punjab Service Tribunal, Lahore in Appeal No. 830/2020. The same was disposed of vide order dated 26.02.2020 with following directions:

“In view of the above, this petition is disposed of with the direction to Respondent concerned to implement the aforesaid order of the PST, strictly in the light of judgment of Hon'ble Supreme Court, mentioned above, in accordance with law expeditiously within a period of three (03) days from the receipt of certified copy of this order. However, it is made clear that the aforesaid order shall not be implemented if there is no stay order by the Supreme Court of Pakistan.”

7. **AND WHEREAS**, perusal of record further shows that the Petitioner has been relieved from her duties from Govt. Secondary School of Special Education for Hearing Impaired (Girls), Multan on 15.02.2020 to join her new place of posting but she did not comply with the orders of Competent Authority, therefore, she has been found absent from her duty w.e.f 16.02.2020 to date. Moreover, departmental appeal of the Petitioner is pending before Chief Secretary Punjab ^{and} outcome of which is still awaited.

8. **NOW, THEREFORE**, in the light of above stated facts, I, Syed Javed Iqbal Bokhari, Secretary Special Education / Respondent No. 1 hereby direct Ms. Rabia Tabassam, Junior Special Education Teacher (Hearing Impaired Field) (BS-16), Govt. Secondary School of Special Education for Hearing Impaired (Girls), Multan to join her new place of posting i.e. Govt. Special Education Centre, Tiba Sultanpur District Vehari and to wait for the outcome of her departmental appeal pending before the Chief Secretary, Punjab. As far as, the issue of her salary is

concerned, since she has been relieved from her previous place of posting on 15.02.2020 but she failed to join new place of posting at Govt. Special Education Centre, Tiba Sultanpur District Vehari, therefore, unless she joins her new place of posting and works against that position only then she can be eligible to draw her salary. As far as, issue of her intervening salary is concerned, as the Petitioner have been relieved from her duties on 15.02.2020 to join her new place of posting but she did not comply with the orders and her departmental appeal is pending before Chief Secretary Punjab, therefore, the decision about her intervening salary shall be taken after the final outcome of her departmental appeal by Chief Secretary Punjab. The order dated 22.10.2020 passed by the Honourable Lahore High Court, Multan Bench, Multan in Crl.Org. No.391-W-2020 filed in Writ Petition No. 3052/2020 is accordingly complied with in the above stated manner.



(SYED JAVED IQBAL BOKHARI)
 SECRETARY SPECIAL EDUCATION/
 RESPONDENT NO. 1

Dated Lahore, the
 October 26th / 2020

No. & Date Even:

3:40PM A copy is forwarded for information and necessary action to the:-

04/11
 05/11
 No. 10

- ✓ 1. Assistant Registrar (Writ) for Deputy Registrar (Judicial), Lahore High Court, Multan Bench, Multan in compliance with orders dated 22.10.2020 in Crl.Org. No.391-W-2020 filed in Writ Petition No. 3052/2020.
2. Director General, Special Education, Punjab, Lahore.
- ✓ 3. District Education Officer (Special Education), Multan.
- ✓ 4. Head of institutes concerned.
5. P.S. to Secretary Special Education Department.
- ✓ 6. Petitioner concerned.
7. Master File.



SECTION OFFICER (Estt.)

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