



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT
31-Sher Shah Block New Garden Town, Lahore
Dated Lahore the December 10, 2020

ORDER

No. SO(Estt.)40-86/2011. WHEREAS, Ms. Rabia Tabassum, Junior Special Education Teacher (Hearing Impaired Field)(BS-16), Govt. Secondary School of Special Education for Hearing Impaired (Girls), Multan filed Departmental Appeal against the order dated 14.02.2020 passed by Secretary Special Education whereby the Appellant was transferred and posted at Govt. Special Education Centre, Tibba Sultanpur, District Vehari. Simultaneously, the Appellant filed Appeal No. 830/2020 in the Punjab Service Tribunal and the Tribunal vide order dated 20.02.2020 disposed of the same with the following observations:

“xxxx. Respondent No. 1 (Chief Secretary, Punjab Lahore) is directed to decide the departmental appeal, after hearing, the appellant and the departmental representative.”

2. AND WHEREAS, the Appellant filed Writ Petition No. 3052/2020 in the Honourable Lahore High Court, Multan Bench, Multan and the Honorable Court vide order dated 26.02.2020 directed to implement the aforesaid order of the Punjab Service Tribunal. Subsequently, the Appellant also filed Crl.Org. No. 391-W/2020 in the Writ Petition No. 3052/2020 in the Lahore High Court, Multan Bench, Multan.

3. AND WHEREAS, comments on Appeal were obtained by the Chief Secretary from the Administrative Department and Secretary (Regulations), S&GAD was appointed as Hearing Officer to afford an opportunity of personal hearing to the Appellant, in the presence of Departmental Representative of Special Education Department and submit a detailed report to arrive at a definite decision.

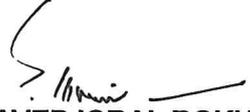
4. AND WHEREAS, Secretary (Regulations), S&GAD / Hearing Officer submitted report of hearing proceedings stating therein that the petitioner was summoned for personal hearing twice but she did not appear for hearing despite issuance of personal hearing notices and informing on her mobile phone. However, Mr. Adnan Bashir, Senior Law Officer appeared as Departmental Representative on behalf of Special Education Department who stated that the Appellant was appointed as Junior Special education Teacher (Hearing Impaired/BS-16) on contract basis and posted at Govt. School of Deaf & Defective Hearing, Muzaffargarh. Thereafter, she was transferred at her own request and posted at Govt. Secondary School of Special Education for Hearing Impaired (Girls), Multan on 26.06.2014. After completion of tenure of more than six years, the appellant was

transferred on administrative grounds and posted at Govt. Special Education Centre, Tibba Sultanpur, District Vehari vide impugned order dated 14.02.2020. According to the Departmental Representative, appeal of the appellant is liable to be rejected being devoid of merit. The Secretary (Regulations), S&GAD / Hearing Officer observed that the appellant, in her appeal has not produced any material to substantiate her stance.

5. **AND WHEREAS**, after careful examination of the record / material available in the case file, considering appeal of the Appellant and report of Hearing Officer, I am of the view that the Appellant has been transferred after a long stay of more than six years. Section 9 of the Punjab Civil Servants Act, 1974 provides that every civil servant shall be liable to serve anywhere within or outside the province in any post. Even otherwise, no civil servant has a vested right for posting of his own choice.

6. **NOW THEREFORE**, under the circumstances, I, Jawwad Rafique Malik, Chief Secretary Punjab, do hereby reject the appeal of Ms. Rabia Tabassum, JSET (HI Field)(BS-16) being devoid of merit and not covered under the law / rules.

(JAWWAD RAFIQUE MALIK)
CHIEF SECRETARY PUNJAB


(SYED JAVED IQBAL BOKHARI)
SECRETARY SPECIAL EDUCATION

No. & Date Even.

A copy is forwarded to the:-

1. The Registrar, Punjab Service Tribunal w/r to Appeal No. 830/2020.
2. Personal Staff Officer to Chief Secretary, Punjab.
3. Accountant General, Punjab, Lahore.
4. Director General, Special Education, Punjab, Lahore.
5. District Education Officer (Special Education), Multan.
6. Appellant concerned.
7. PS to Secretary Special Education Department.
8. Master File.


SECTION OFFICER (ESTT).