



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT
31-Sher Shah Block New Garden Town,
Lahore
Dated Lahore the June 28th /2021

ORDER

No. SO(Estt.)23-22/2010. WHEREAS, Ms. Nayab Kiran, Junior Special Education Teacher, awaiting posting in Special Education Department filed appeal against the order dated 12.03.2021 passed by the Secretary Special Education whereby she was posted at Government Special Education Centre, Lawa, District Chakwal. Simultaneously, the Appellant filed Writ Petition No. 28038 / 2021 in the Lahore High Court, Lahore and the Hon'ble Court vide order dated 28.04.2021 disposed of the same with the following observations:-

“xxxx. Since the facts are not mentioned in this petition, therefore, direction simplicitor cannot be given in the constitutional jurisdiction. However, in the interest of justice, if the petitioner approaches the respondents, she be provided opportunity of being heard and matter be decided strictly in accordance with law.”

2. AND WHEREAS, comments on appeal of the Appellant were obtained from the Administrative Department. Mr. Ahmad Ali Kamboh, Secretary (Regulations), S&GAD was appointed as Hearing Officer to afford an opportunity of personal hearing to the Appellant, in the presence of Departmental Representatives of Special Education Department and submit a detailed report to arrive at a definitive decision.

3. AND WHEREAS, the Secretary (Regulations), S&GAD after affording personal hearing to the Appellant in the presence of Departmental Representative submitted report of hearing proceedings stating therein that during hearing proceedings, the Appellant reiterated the points raised in her appeal and contended that she was performing her duties as Special Education Teacher, Govt. Special Education Centre, Ravi Town, Lahore honestly without any complaint but the Competent Authority vide order dated 20.06.2020 transferred her with the directions to report to Special Education Department. Against the said order, she filed appeal and Chief Secretary remanded the case to the Secretary Special Education with the observation to post the Appellant near to her home district but the Competent Authority vide impugned order dated 12.03.2021 posted the Appellant to District Chakwal which is 300 kms away from her home. She further contended that her husband is a government servant and posted in Lahore, therefore, she has right to be posted in Lahore on wedlock basis. The Appellant prayed that impugned order maybe set aside and she may be posted in Lahore. The Departmental Representative stated that the Appellant was working as Junior Special Education Teacher, Govt. Special Education Centre, Ravi Town, Lahore since 2014. After completion of longest tenure of more than six years, the Appellant was transferred on administrative grounds and directed to report to Special Education Department vide order dated 30.06.2020. Against the said order, the Appellant filed appeal and the Chief

Secretary, vide order dated 11.02.2021 remanded the case to the Competent Authority to consider the request of the Appellant without compromising the administrative exigencies. The Departmental Representative apprised that the post of the Appellant is of provincial cadre and she has to serve anywhere in Punjab. She had already served in Lahore for a period of more than six years and her retention in Lahore was not administratively practicable, therefore, she was transferred and posted at vacant post nearest to her home station at Govt. Special Education Centre, Lawa, District Chakwal vide impugned order dated 12.03.2021. 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 during hearing, the Appellant has not produced any material to substantiate her stance.

4. **AND WHEREAS**, after examining 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 longest stay of more than six years. Under Section 9 of the Punjab Civil Servants Act, 1974, 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.

5. **NOW THEREFORE**, under the circumstances, I, Jawwad Rafique Malik, Chief Secretary, Punjab do hereby reject the appeal of Nayab Kiran, being devoid of merit and not covered under the law/rules.

(JAWWAD RAFIQUE MALIK)
CHIEF SECRETARY PUNJAB



(MUHAMMAD HASSAN IQBAL)
SECRETARY SPECIAL EDUCATION

No. & Date Even.

A copy is forwarded to the:-

1. The Assistant Registrar, Lahore High Court w/r to Writ No. 28038/2021.
2. Personal Staff Officer to Chief Secretary, Punjab.
3. Accountant General, Punjab, Lahore.
4. Director General, Directorate General of Special Education, Punjab, Lahore.
5. District Education Officer (Special Education), Lahore and Rawalpindi.
6. Appellant concerned.
7. PS to Secretary Special Education Department.
8. Master File.



SECTION OFFICER (ESTT).