



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT

31-Sher Shah Block New Garden Town, Lahore

Dated Lahore the March 16th /2022

ORDER

No. SO(Estt.)40-187/2015. **WHEREAS, Komal Munir, ex-Junior Special Education Teacher (Hearing Impaired Field/BS-16)** filed appeal against order dated 02.08.2021 passed by the **Secretary Special Education / Competent Authority** whereby penalty of "removal from service" w.e.f. 06.01.2021 was imposed upon the petitioner **on the charge of misconduct on account of willful absence from duty w.e.f. 06.01.2021 to 02.08.2021 (six months & 28 days)** under the **PEEDA Act, 2006**.

2. **AND WHEREAS**, comments on appeal of the petitioner were obtained from the Administrative Department. **Mr. Kamran Abdullah Siddiqui**, Member-II (Enquiries) S&GAD was appointed as Hearing Officer to afford an opportunity of personal hearing to the petitioner and submit a comprehensive report to arrive at a definitive decision.

3. **AND WHEREAS**, the Member-II (Enquiries), S&GAD after affording personal hearing to the petitioner in the presence of Departmental Representative of Special Education Department submitted report of hearing proceedings stating therein that the petitioner reiterated the points raised in her appeal and contended that she had been awarded penalty without any fault on her part, therefore, the same orders may be set-aside and she may be reinstated into service. The Departmental Representative stated that the petitioner was granted 365 days leave w.e.f. 06.01.2020 to 05.01.2021. After availing the leave, the petitioner was required to join duty on 06.01.2021 but she submitted application for extension in earned leave for two years which was regretted by the Secretary Special Education / Competent Authority and she was directed to report to the department vide letter dated 29.01.2021 but she failed to do so. As such, she remained absent from duty w.e.f. 06.01.2021 to 02.08.2021, therefore, the Secretary Special Education / Competent Authority dispensing with regular enquiry issued Show Cause Notice. The petitioner neither offered any defence nor appeared before the Competent Authority. After observing all codal formalities, the Secretary Special Education / Competent Authority imposed the impugned penalty upon the petitioner. The Hearing Officer recommended that impugned orders dated 02.08.2021 may be modified and she may be imposed four minor penalties i.e. "censure, withholding of annual increment for a period of 05 years, fine of one basic pay and withholding of promotion for a period of 05 years". The Regulations Wing, S&GAD also agreed with the recommendations of Hearing Officer.

4. **AND WHEREAS**, after examining the record / material available in the case file, considering appeal of the petitioner and report of hearing proceedings of the Hearing Officer, I am of the view that the imposition of penalty of removal from service on the charge of absence from duty for 6 months, 26 days was harsh and not commensurate

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with the quantum of guilt of the petitioner. Therefore, appeal of the petitioner was tenable.

5. **NOW THEREFORE**, under the circumstances, I, **Kamran Ali Afzal**, Chief Secretary, Punjab, in exercise of powers conferred upon me under Section 16 of the PEEDA Act, 2006, do hereby **partially accept** the appeal of Komal Munir by modifying the penalty of “*removal from service*” into minor penalty of “*withholding of promotion for a period of 05 years*”. The intervening period w.e.f. 06.01.2021 onward may be treated as leave of kind due.

KAMRAN ALI AFZAL
CHIEF SECRETARY, PUNJAB

Saima Saheed

(SAIMA SAEED)

SECRETARY SPECIAL EDUCATION

No. & Date Even.

A copy is forwarded to the:-

1. Deputy Secretary (Service Matters) to Chief Secretary, Punjab.
2. Accountant General, Punjab, Lahore.
3. Director General, Directorate General of Special Education, Punjab, Lahore.
4. District Education Officer (Special Education), Lahore.
5. Petitioner concerned / Komal Munir D/o Munir Ahmad, Resident of 108-C, Gulberg Colony Qadi Wind Road, Kasur Near Saleem General Store, Kasur.
6. Statistical Officer, Directorate General of Special Education, Punjab, Lahore.
7. PS to Secretary, Special Education Department.
8. Master File.

[Handwritten Signature]

SECTION OFFICER (ESTT).