

REGISTERED



ORDER

GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT

No. SO(Estt)23-191/2020: WHEREAS, disciplinary proceedings through a regular inquiry under the Section 5 read with Section 9 of the PEEDA Act, 2006 ('Act') were initiated against Hafiz Muhammad Faisal, Junior Special Education Teacher (BS-16 / PD Field), Incharge Headmaster, Govt. Special Education Centre, Pir Mahal, presently *under suspension* and reported to department (herein referred as 'accused officer No. 1) and Ms. Pinkee Sadia Yousaf, Junior Special Education Teacher (BS-16 / MC Field), previously posted at Govt. Special Education Centre, Pir Mahal presently *under suspension* and reported to department (herein referred as 'accused officer No. 2) (both officers are hereinafter jointly referred as 'accused officers') by Secretary Special Education being Competent Authority vide order dated 19.12.2023 by appointing Mr. Asif Iqbal, Headmaster (BS-17 + 10% Special Pay), Govt. Institute for Slow Learners, Bahawalpur as Inquiry Officer on the following charges of inefficiency and misconduct:

CHARGES AGAINST HAFIZ MUHAMMAD FAISAL / ACCUSED OFFICER NO. 1

- i. The accused officer's performance during his tenure as Incharge Headmaster has remained poor, as he failed to fulfil his duties in a manner consistent with established standards. Manifestations of inefficiency and mismanagement are evident, notably in the relocation of the classroom for physically handicapped students to the first floor of the Centre, where no ramp was available. This decision has resulted in difficulties for Ms. Zainab and other special-needs / physically handicapped students when navigating the stairs.
- ii. As the designated Headmaster Incharge, the accused officer neglected to oversee the diligent and efficient performance of the teaching and allied staff at the Centre. Furthermore, there is a failure to ensure that the staff refrained from engaging in any unethical activities / recording of activities of students through their personal mobiles with malafide intentions.
- iii. Ensuring the safety of special students constitutes a primary responsibility of the accused officer, who served as the Incharge Head of the Centre. However, the accused officer failed to observe and address the situation wherein a physically handicapped female student, Ms. Zainab, was coerced on 24.10.2023 at about 08:44 a.m. into ascending the stairs through crawling by Ms. Pinkee Sadia Yousaf, JSET. Moreover, said incident video was also recorded by Ms. Pinkee Sadia Yousaf, JSET with the intention of

Zainab Saad

PHOTOGRAPHY & VIDEO
MULTIPLE CAMERA

disseminating it on social media, potentially tarnishing the reputation of the Centre and Special Education Department in the eyes of public at large.

IV. The accused officer, having knowledge of the incident that took place on the 24th of October 2023 at approximately 08:44 a.m., i.e., wherein a physically handicapped female student, Ms. Zainab, was persuaded to climb stairs by way of crawling, and the subsequent recording of a video of this incident by Ms. Pinki Sadia Yousaf, a Junior Special Education Teacher, JSET, intentionally withheld this information from higher authorities, including but not limited to the District Education Officer (Special Education), Faisalabad. The accused officer failed to report the incident to the higher authorities and neglected to take prompt action. Consequently, the video circulated on social media, which adversely impacted the reputation of the Centre and the Special Education Department.

V. The conduct and performance of the accused officer during his tenure as Incharge Headmaster remained below average. This is attributable to his failure to fulfill his responsibilities in a manner in line with established standards. He evaded his substantive duty as JSET (Physically Handicapped Field) and handed over his class to a teacher of blind field. Such conduct had badly impacted the seamless execution of educational activities.

CHARGES AGAINST MS. PINKEE SADIA YOUSAF / ACCUSED OFFICER NO. 2

I. The primary responsibility of ensuring the safety of special students rests with the accused officer. However, the accused officer engaged in instigating a physically handicapped female student, Ms. Zainab, to ascend stairs through crawling and by doing so she jeopardized the safety of said student. The accused officer instead of stopping the physically handicapped female student, Ms. Zainab, to ascend stairs through crawling or instead of helping her, instigated the said student to do so. Moreover, the accused officer recorded a video of this incident with malicious intent. Subsequently, the accused officer shared the said video on social media through unrelated individual(s), intending to tarnish the reputation of both the Centre and the Special Education Department. By doing these acts, the accused officer violated the right of safety and privacy of the said student.

II. The performance of the accused officer remained subpar because she did not carry out her responsibilities in a suitable manner, in accordance with applicable standards, and continued to interfere in the administrative affairs of the Centre and created unnecessary feud with the Incharge Headmaster, which impeded administrative procedures and created administrative hurdles for the Incharge Headmaster.

Lawina Farid

2. **AND WHEREAS**, the Inquiry Officer after conducting inquiry proceedings submitted Inquiry Report vide letter dated 06.03.2024, wherein the Inquiry Officer stated that the charges stand proved and recommended imposition of following penalties;

Sr. No.	Name of accused officer	Penalty Recommended
1.	Hafiz Muhammad Faisal, Junior Special Education Teacher (BS-16 / PD Field), former Incharge Headmaster, Govt. Special Education Centre, Pir Mahal, presently under suspension and reported to department.	"Withholding of 02 increments for a period of two years under Section 4(1)(a)(ii) of the PEEDA Act, 2006".
2.	Ms. Pinkee Sadia Yousaf, Junior Special Education Teacher (BS-16 / MC Field), previously posted at Govt. Special Education Centre, Pir Mahal, presently under suspension and reported to department.	"Withholding of 04 increments for a period of two years under Section 4(1)(a)(ii) of the PEEDA Act, 2006".

Farheen Farid

3. **AND WHEREAS**, upon receipt of inquiry report, Secretary Special Education / Competent Authority issued Show Cause cum Personal Hearing Notice under Section 13(4) of Act *ibid* to the accused officers directing them to submit additional defense, if any, and also to appear on 20.03.2024 before Deputy Secretary Special Education / Hearing Officer appointed under Section 13(4)(c) of the Act *ibid*, for personal hearing. The Departmental Representative was also directed to appear before the undersigned alongwith all record under Section 13(4)(e) of the Act *ibid*.

4. **AND WHEREAS**, the Hearing Officer submitted report of hearing proceedings observing therein that Inquiry Officer did not conduct the inquiry against the accused officers in accordance with the provisions of the PEEDA Act, 2006 and failed to take into consideration merits of the case and ignored vital points pertaining to the charges. The recommendations and conclusions made by the Inquiry Officer may not be deemed appropriately drawn, because the Inquiry Officer has not given separate findings on each and every charge. The Inquiry Officer did not provide opportunity of cross examination to the accused officers. Moreover, Inquiry Officer also did not cross-examine the statements of staff and has conducted the inquiry in slipshod manner. The accused officer No.2 / Pinkee Sadia Yousaf was not provided video recordings and she was also not provided opportunity to rebut the recording. As per findings of

Inquiry Officer the charges levelled against the accused officers stood fully proved but the penalties recommended by the Inquiry Officer do not commensurate with the gravity of the proven charges. The Hearing Officer suggested that facts of the case necessitates that *de novo* inquiry proceedings may be initiated against the accused officers by appointing another suitable officer as Inquiry Officer so that ends of justice can be met and the accused officers may be afforded fair opportunities to vindicate their stance.

5. **AND WHEREAS**, in view of the reasons recorded by the Hearing Officer in hearing report, it is proved that facts and merits of the case have been ignored by the Inquiry Officer and there are sufficient grounds to initiate **de novo inquiry** against the accused officers. Therefore, the undersigned being Competent Authority hereby orders initiation of *de novo* disciplinary proceedings against the accused officers under Section 13(6) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 by appointing **Mr. Zia Razzaq, Psychologist (BS-17), Incharge Headmaster, Govt. (Secondary) Special Education Centre for Four Disabilities, Samundari** as Inquiry Officer to proceed against the accused officers in terms of Section 5 read with Section 9 of the Act *ibid*.

6. The Inquiry Officer shall proceed against the accused officers on the above said charges of inefficiency and misconduct.

7. The accused officers are directed to submit their written defense to the Inquiry Officer, within **07** days of the receipt of this order. If they fail to submit their written defense within the prescribed period, it shall be presumed that either they have no defense to offer or they have declined to offer the same and they have accepted the charges.

8. **Mr. Muhammad Akmal Shah, Senior Special Education Teacher (H.I) (BS-17), Government (Middle) Special Education Centre, Tandianwala, District Faisalabad** is appointed as Departmental Representative in terms of Section 9(1)(c) read with Section 12 of the Act *ibid*.

9. In case, the accused officers desire to consult any record on which the aforesaid charges are based or is relevant to the aforesaid charges, they may do so with prior arrangement with the Departmental Representative within **03** days of the receipt of this order.

INFINIX HOT 8 13.M.2
A TRIPL E C A V I E T

Saima Saeed

10. The Inquiry Officer shall submit his report and recommendations to the undersigned within sixty days (60 days) from the date of the initiation of *de novo* inquiry in terms of Section 10(6) of the Act *ibid*.


(SAIMA SAEED)
SECRETARY SPECIAL EDUCATION/
COMPETENT AUTHORITY

Dated Lahore the
April 15th, 2024

NO. & DATE EVEN

A copy is forwarded to:-

1. The Director General, Special Education Punjab, Lahore.
2. The District Education Officer (Special Education), Gujranwala.
3. **Mr. Zia Razzaq**, Psychologist (BS-17), Incharge Headmaster, Govt. (Secondary) Special Education Centre for Four Disabilities, Samundari / **Inquiry Officer**.
4. **Mr. Muhammad Akmal Shah**, Senior Special Education Teacher (H.I.) (BS-17), Government (Middle) Special Education Centre, Tandianwala, District Faisalabad / **Departmental Representative** is directed to ensure delivery of this order to the accused officers through all possible means, provide complete relevant record to the Inquiry Officer and to the accused officers, *if so requested by them*, and assist the Inquiry Officer on each and every date of hearing proceedings.
5. **Headmaster / Headmistress**, Govt. Special Education Centre, Pir Mahal to ensure delivery of this order to the accused officers.
6. **Hafiz Muhammad Faisal**, Junior Special Education Teacher (BS-16 / PD Field), Incharge Headmaster, Govt. Special Education Centre, Pir Mahal, presently *under suspension* and reported to department
7. **Ms. Pinkee Sadia Yousaf**, Junior Special Education Teacher (BS-16 / MC Field), previously posted at Govt. Special Education Centre, Pir Mahal presently *under suspension* and reported to department.
8. PS to Secretary Special Education Department.
9. Office order file.


SECTION OFFICER (ESTT.)