



ORDER

No. SO(Estt.)1-16/2006. WHEREAS, news aired on electronic media on 29.11.2022 and also published in the Daily "Jang" on the same day in which it was contented that a visually impaired female student has been raped for two months by Muhammad Kamran, Music Teacher and Muhammad Safdar, Chowkidar of Govt. Special Education Centre, Depalpur, District Okara and FIR No. 1360/22 dated 28.11.2022 under Section 376 P.P.C in Police Station, City Depalpur, District Okara has been lodged against the delinquents. While taking serious note of this incident, Special Education Department vide letter dated 29.11.2022 directed the Director General, Special Education, Punjab, Lahore to submit a comprehensive report of the incident. Where-after, the Directorate General of Special Education, Punjab, Lahore after obtaining the report from the field formation submitted the report of the incident vide letter dated 29.11.2022. Deputy Commissioner, Okara also constituted a fact-finding committee on 29.11.2022 to submit a thorough report of the incident.

2. **AND WHEREAS**, after receipt of the report from Directorate General of Special Education, Punjab, Lahore dated 29.11.2022, Special Education Department appointed Mr. Ghulam Murtaza, Deputy Director, Directorate General of Special Education, Punjab, Lahore as Probe Officer vide order dated 30.11.2022 to conduct a thorough probe into the matter as reported in crime report FIR No. 1360/2022 dated 28.11.2022 in Police Station, City Depalpur, District Okara.

3. **AND WHEREAS**, Deputy Commissioner, Okara forwarded the report of Probe Committee dated 30.11.2022 and Mr. Ghulam Murtaza, Deputy Director, Directorate General of Special Education, Punjab, Lahore / Probe Officer also submitted his probe report dated 01.12.2022, wherein it was recommended that **Mr. Muhammad Kamran**, Music Teacher (BS-11), Govt. Special Education Centre, Depalpur, District Okara (**'accused official'**), **Mr. Allah Ditta**, Attendant (BS-03), Govt. Gunj Shakar Special Education Complex, Okara temporarily adjusted at Govt. Special Education Centre, Depalpur, District Okara (**'accused official'**) and **Mr. Muhammad Safdar**, Chowkidar (BS-01), Govt. Special Education Centre, Depalpur, District Okara (**'accused official'**) are involved in the matter of committing rape of a blind female student and FIR No. 1360/22 under Section 376 PPC has been lodged against them and they are behind the bars, therefore, they may be placed under suspension and disciplinary proceedings under PEEDA Act, 2006 may be initiated against them on the charges of grave misconduct. Whereas, since **Ms. Rehana Naeem**, Headmistress (BS-18), Govt. Special Education Centre, Depalpur, District Okara (**'accused officer'**) remained inefficient in the performance of her duties, therefore, she may be placed under suspension and regular inquiry under the PEEDA Act, 2006 on the charges of inefficiency and misconduct may be initiated against her (**the accused officer and accused officials are jointly referred as 'accused officer / officials'**).

4. **AND WHEREAS**, consequently thereto, joint disciplinary proceedings were initiated against the accused officer / officials under Section 5 read with Section 9 of the Punjab Employees, Efficiency, Discipline and Accountability Act, 2006

Lamin Saad

('Act') vide order dated 09.12.2022 on the following charges of inefficiency and misconduct by constituting Inquiry Committee comprising the following;

- i. **Ms. Mehreen Naz**, Principal (BS-19), Govt. Secondary School of Special Education for Hearing Impaired (Girls), Lahore (Convener);
- ii. **Ms. Mah Jabeen**, Headmistress (BS-18), Govt. Special Education Centre, Renala Khurd, District Okara (Member);
- iii. **Mr. Naseer Iqbal Sindhu**, Headmaster (BS-18), Govt. Special Education Centre, Kot Radha Kishan, District Kasur (Member).

CHARGES AGAINST MS. REHANA NAEEM, HEADMISTRESS (BS-18)

- i. *The accused officer failed to monitor that the teachers and allied staff of the institute are discharging their duties diligently and efficiently and had not indulged in any unethical activity.*
- ii. *The accused officer has failed to devise a mechanism through which feedback could be obtained regarding safety of the Special Students during school hours and/or within the premises of the institute.*
- iii. *On account of her inefficiency, as per crime report FIR No. 1360/22 dated 28.11.2022 under Section 376 P.P.C at PS City Depalpur, District Okara, the incident of rape/sexual assault with a visually impaired female student of the institute namely Ms Saman Khursheed by Muhammad Kamran, (Music Teacher), Muhammad Safdar (Chowkidar) of Govt. Special Education Centre, Depalpur, District Okara and Allah Ditta, (attendant) could not be reported well in time to the higher authorities for taking appropriate action.*
- iv. *As per contents of report submitted by the accused officer dated 28.11.2022, she received a call from the family member of visually impaired students namely Ms Saman Khursheed and Tayyaba Khursheed at 02:00 P.M. on 28.08.2022 whereby she was informed that visually impaired students have not reached home till now. On asking by the accused officer that today is Sunday and the institute is closed then why the female students have gone to institute? The accused officer was further informed that the students have told at home that madam is taking them to Sahiwal for taking exams. The accused officer despite knowing the matter since 28.08.2022, lingered on the matter by constituting a probe committee herself and did not report the incident to the higher authorities and also failed to take prompt action which ultimately resulted in the happening of the said incident.*
- v. *The accused officials committed and repeated the offence of rape/sexual assault against the visually impaired female student namely Ms Saman Khursheed on multiple occasions but the accused officer neither took any step to ensure the safety of students during school hours nor reported the occurrence of the incident well in time to higher authorities, which has created an embarrassing situation for the Department.*

Samin Saad

- vi. *Safety of the special students is foremost responsibility of the accused officer being head of the institute but she failed to notice and point out that no camera has been installed inside the building of the institute to check the activities of the staff and students which demonstrates poor monitoring of the accused officer.*
- vii. *The accused officer deliberately concealed material facts while forwarding the report of the incident to the District Education Officer, (Special Education), Sahiwal that the victim student and her sister were not attending the institute since 3rd November 2022.*

CHARGE AGAINST MUHAMMAD KAMRAN, MUSIC TEACHER (BS-11)

"Being the teacher of visually impaired students, it was the duty of the accused official to guide them about good ethics, but he indulged in unethical acts with his visually impaired female student namely Ms Saman Khursheed who is supposed to be his spiritual child and raped/sexually assaulted her, as reported in crime report FIR No. 1360/22 dated 28.11.2022 registered under Section 376 P.P.C at PS City Depalpur District Okara, on multiple occasions and there-after threatened and harassed her not to tell anyone about the incident."

CHARGE AGAINST ALLAH DITTA, ATTENDANT (BS-01)

"Being the allied staff i.e., Attendant, it was the duty of the accused official to ensure the safety and security of students during school hours. Instead of discharging his duties diligently and efficiently, he raped/sexually assaulted a visually impaired female student namely Ms Saman Khursheed, as reported in crime report FIR No. 1360/22 dated 28.11.2022 registered under Section 376 P.P.C at PS City Depalpur District Okara, on multiple occasions and there-after threatened and harassed her not to tell anyone about the incident."

CHARGE AGAINST MUHAMMAD SAFDAR, CHOWKIDAR (BS-01)

"Being the allied staff i.e., Chowkidar, it was the duty of the accused official to ensure the safety and security of students during school hours. Instead of discharging his duties diligently and efficiently, he raped/sexually assaulted a visually impaired female student namely Ms Saman Khursheed, as reported in crime report FIR No. 1360/22 dated 28.11.2022 registered under Section 376 P.P.C at PS City Depalpur District Okara, on multiple occasions and there-after threatened and harassed her not to tell anyone about the incident."

5. **AND WHEREAS**, the Inquiry Committee after conducting thorough inquiry in accordance with provisions of PEEDA Act, 2006, submitted inquiry report. The Inquiry Committee observed that charges stand proved against the accused officer / official(s), therefore, recommended imposition of following penalties:

Saman Khursheed

| Sr. No. | Name of accused | Recommendations of Inquiry Officer |
|---------|--|--|
| 01 | Ms. Rehana Naeem, Headmistress (BS-18) (under suspension), | "Withholding of increments for a period of five years" |
| 02 | Mr. Muhammad Kamran, Music Teacher (BS-11) (under suspension), | "Withholding of increments for a period of two years" |
| 03 | Mr. Allah Ditta, Attendant (BS-01) (under suspension), | "Dismissal from service" |
| 04 | Mr. Muhammad Safdar, Chowkidar (BS-01) (under suspension) | "Dismissal from service" |

6. **AND WHEREAS**, upon receipt of inquiry report, Show Cause cum Personal Hearing Notice under Section 13(4) of Act *ibid* was issued to the accused officer / officials directing them to submit additional defence, *if any*, and also to appear on **18.08.2023** before **Additional 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 Hearing Officer alongwith all record under Section 13(4)(e) of the Act *ibid*.

7. **AND WHEREAS**, the Hearing Officer after granting opportunity of personal hearing to the accused officer / officials in presence of Departmental Representative submitted report of hearing proceedings stating therein that during the hearing proceedings, the accused officer / officials while reiterating the stance already raised by them in defence replies and stance already taken by them during inquiry proceedings, *inter alia*, contended that charges levelled against them are against the facts and record. They denied the charges and while relying upon the record stated that no *mala fide* was involved in the matter. They further maintained that they produced all the record before the Inquiry Committee and rebutted the veracity of the charges with cogent evidence and Inquiry Committee also failed to give any persuasive reason in the inquiry report for award of proposed penalties to them. Lastly, they requested that the charges are baseless and devoid of merit, therefore, they may be exonerated from the charges.

8. **AND WHEREAS**, the Departmental Representative stated that all record related to the charges was provided to the accused officer / officials and inquiry proceedings were conducted by the Inquiry Committee in accordance with the provisions of PEEDA, Act, 2006. The Departmental Representative further stated that charges of misconduct stood proved against the accused officer/officials. He further stated that penalties proposed by the Inquiry Committee commensurate with the guilt of accused officer/officials.

9. **AND WHEREAS**, after hearing the accused officer / officials, Departmental Representative, examining the additional defence of the accused officer / officials and documents annexed therewith, considering the material related to the case available in shape of inquiry report and keeping in view the findings and recommendations of the Inquiry Committee, the Hearing Officer observed that the inquiry proceedings have been conducted in accordance with the provisions of

PEEDA Act, 2006, merits of the case have been appreciated by the Inquiry Committee and due process as provided under the law has been adopted by the Inquiry Committee. During inquiry proceedings the accused officer / officials were provided full, fair and complete opportunities to vindicate their stance and prove their innocence. Pertinently, perusal of findings of the Inquiry Committee shows that same are based on cogent, convincing and confidence inspiring evidence, credibility of which has not been questioned by the accused officer / officials during hearing proceedings. After thorough examination of record and after evaluating the statements of all concerned recorded during course of inquiry proceedings it is found that the accused officer / officials have been found guilty of misconduct and inefficiency and their delinquency stood proved. The Hearing Officer observed that no new and/or plausible piece of evidence has been brought on record by the accused officer / officials, through additional defense reply submitted during course of personal hearing, to rebut the evidence already available on record. After thorough examination of record, it is noted that the penalties recommended by the Inquiry Committee commensurate with gravity of guilt of the accused officer / officials.

10. **AND WHEREAS**, perusal of findings and recommendations of the Inquiry Committee, additional defense reply submitted by accused officer / officials and report of Hearing Officer coupled with record available in file shows that the inquiry proceedings have been conducted by the Inquiry Committee in accordance with the provisions of PEEDA Act, 2006 and due process as provided under the law has been adopted by the Inquiry Committee. The accused officer / officials failed to substantiate their stance and to place on record any new piece of evidence to rebut the evidence already available on record. It is observed that the findings and recommendations of the Inquiry Committee are based on record, made after considering all aspects of the case and taking into consideration the entire circumstances involved in the case. It is further observed that recommendations of the Inquiry Committee are substantiated with reasons / findings and no exception can be taken from the same. It transpires from perusal of record that Inquiry Committee after applying judicious mind and fulfilling all requirements of law has recommended imposition of penalties. *Prima facie* the same are in consonance with the record and spirit of the law.

11. **AND WHEREAS**, as per findings of Inquiry Committee, with regards to accused officer i.e., **Ms. Rehana Naeem, Headmistress**, charges No. 2, 3 and 6 remained unproved, whereas, charges No. 1, 4 & 7 have been proved against her. As far as charge No. 5 is concerned, it is noticed that same stood partially proved because no evidence is available on record which suggests that the incident reported vide FIR happened within the premises of the Centre. Delay in reporting on part of accused officer has been established which shows her inefficiency. It is also noted that negligence on the part of accused officer cannot be treated leniently because due to her inefficient working and her failure to take cognizance of administrative issues of the Centre, led to the happening of an untoward incident. After examination of record, it is observed that the penalty recommended by the Inquiry Committee commensurates with gravity of guilt of the accused officer. The stance taken by the accused officer in her additional defense reply has also been examined which shows that the accused officer failed to rebut the findings of Inquiry Committee through justifiable reasonings. During inquiry proceedings, it was proved

that the accused officer failed to monitor the activities of teaching and allied staff of the institute. It was also proved during inquiry proceedings that the accused officer intentionally concealed certain facts which were manifestly related to the case while submitting report dated 28.11.2022. It was also established during inquiry proceedings that the acquaintance existed *inter se* minor student and staff of the Centre was within the knowledge of accused officer since 28.08.2022. The accused officer failed to place on record the report of probe committee constituted by her. It is further noticed that charges of inefficiency stood proved against the accused officer, hence the penalty recommended by the Inquiry Committee commensurates with gravity of guilt of the accused officer. The accused officer also remained unable to prove that during her tenure as Headmistress her conduct towards performance of her duties was not prejudicial to good service discipline, unbecoming of an officer and does not tantamount to inefficiency and gross misconduct. The accused officer failed to establish her innocence. Thorough examination of record and evaluation of statements of all concerned recorded during course of inquiry proceedings shows that the accused officer, being the Incharge and supervisory officer, failed to perform her duties efficiently and diligently.

12. **AND WHEREAS**, with regards to accused official i.e., **Mr. Muhammad Kamran, Music Teacher**, it has been observed that the accused official has taken a stance that on the day when the incident has been reported to have occurred i.e., 03.11.2022, he was present in the awareness session and he is not involved in the case and has not sexually assaulted / raped the student. This stance of the accused official was also examined by the Inquiry Committee and Committee concluded that there is sufficient documentary evidence available on record in support of this stance. But at the same time, it has been observed that the accused official was well aware of the facts and circumstances of the case and he had the knowledge of the things which were going on behind the scene. He failed to discharge his duties and did not report those events to the higher authorities for taking appropriate actions / steps well in time so as to avoid happening of these kinds of incidents and to secure the well-being of special students. He has been found guilty of inefficiency on account of concealing facts being teacher. Hence the penalty recommended by the Inquiry Committee commensurate with gravity of guilt of the accused official.

13. **AND WHEREAS**, with regards to accused official i.e., **Mr. Allah Ditta, Attendant**, it is observed that he is the main accused official involved in this case. His stance was that he is not involved in this matter and he has been dragged into this case with mala fide intention; that the charge levelled against him is false because neither he is nominated in FIR nor any evidence is available against him, hence he may be exonerated. The additional defense reply of the accused officer coupled with the findings of the Inquiry Committee has been considered and it is observed that sufficient evidence surfaced during inquiry proceedings which suggest that the accused official had relations with victim / Saman Khurshid and they were frequently seen together at different occasions and they were in contact with each other. It is further observed that the accused official is from devolved cadre and his actual place of posting being Attendant (BS-03) was Govt. Gunj Shakar Special Education Complex, Okara but he was temporarily adjusted at Govt. Special Education Centre Depalpur. Record also shows that Headmistress assigned him duties of conductor of the bus. Thus, providing him an opportunity to develop acquaintance with the victim and other students outside the Centre and to have

Laina Saad

knowledge of residence of the victim. It has been noticed that being the allied staff of the Centre, it was the duty of the accused official to ensure the safety and security of students. But instead of discharging his duties diligently and efficiently, he indulged in unethical activities with a female student and this act of the accused official cannot be ignored and he does not deserve any leniency. If the stance taken by the accused official that he is not nominated in FIR and that he failed to appear before Inquiry Committee due to bad health of his father, is considered in light of the available record, the same is found to be devoid of merits because firstly, it is well settled exposition of law that the prosecution in the criminal cases as well as the departmental inquiry on the same allegations can be conducted and continued concurrently at both fora without having any overriding or overlapping effect. It also evinces from the perusal of record that the accused official cannot be absolved from the charge of misconduct and departmental disciplinary proceedings cannot be wiped away against him merely on the ground that the matter related to the charge has been settled *inter se* parties. The stance taken by the accused official that he is liable to be exonerated from charge on account of settlement arrived *inter se* parties is merely a self-harboured hypothetical assumption on his part, bereft of any logical reasoning, justification and legal backing. It is also worth mentioning that even if any settlement has been arrived *inter se* accused official and complainants of FIRs, it tantamounts to admission on the part of accused official that charge is correct and it is established beyond any shadow of doubt. During inquiry proceedings the Committee found the accused official aware and involved in the matter. Secondly, the accused official has not annexed any medical record of his father to substantiate that on the day when inquiry committee called him, he had to leave in emergency. It is also noteworthy that keeping in view the conduct of accused official and severity of charge that stood fully proved against him, the penalty proposed by the Inquiry Committee commensurate with the gravity of charge.

14. **AND WHEREAS**, with regards to accused official i.e., **Mr. Muhammad Safdar, Chowkidar**, it is observed that he is one of the principal accused. His stance was that he is not involved in this situation and has been brought into this case with malicious intent; that the accusation made against him is untrue because there is no evidence to support it, thus he might be exonerated. The accused official's additional defense response has been taken into account, along with the findings of the Inquiry Committee. It is noted that enough evidence emerged during the inquiry proceedings to establish that the accused official is involved in this case and he was also aware of the relationship that existed between the victim student and Mr. Allah Ditta. It is additionally noted that the Headmistress assigned him the duty of Mali instead of Chowkidar as well as driving duties because he used to frequently travel in her car. The fact was also corroborated by the other accused officials during course of personal hearing before the Hearing Officer. It has also been noted that the accused official's responsibility being allied staff was to safeguard the safety and security of students. However, he engaged in unethical acts with a female student rather than carrying out his duties carefully and effectively. This act of the accused official cannot be ignored, and he does not deserve any mercy. The core of the official's defense is that he accomplished his duties honestly, effectively, and to his immediate boss's complete satisfaction. He has also voiced a few technical concerns about the inquiry committee's consideration of specific documents and the format of the inquiry report as well as its conclusions. Due to his involvement in the issue directly, it is noted that the accused official's positions are all naïve and undeserving of regard.

Laiqa Saad

Additionally, as already said, both criminal and disciplinary actions can be initiated at the same time with no impact on each other's outcomes. It is further noted that before coming to a conclusion, the Inquiry Committee carefully considered all the relevant evidence and records. If the penalty recommended by the Inquiry Committee is adjudged keeping in view the conduct and gravity of charge that stood fully proved against the accused official, then there is left no ambiguity to arrive at a decision that the penalty proposed by the Inquiry Committee commensurate with the gravity of proven charge.

15. NOW THEREFORE, I, Saima Saeed, Secretary Special Education / Competent Authority in the instant case, after having considered all the aspects, material relating to the case and recommendations of the Inquiry Committee, *for reasons stated herein above*, am of the considered view that charges of misconduct and inefficiency stood proved against the accused officer / officials and the penalties recommended by the Inquiry Committee commensurate with gravity/severity of guilt of the accused officer / officials. Therefore, in exercise of powers vested in me under Section 13(5) read with Section 4 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006, *while agreeing with the recommendations of the Inquiry Committee*, following penalties are hereby imposed upon the accused officer / officials;

| Sr. No. | Name of accused officer / official | Penalty imposed |
|---------|---|--|
| 1. | Ms. Rehana Naeem, Headmistress (BS-18) | Withholding of increments for a period of five years under Section 4(1)(a)(ii) of the PEEDA Act, 2006. |
| 2. | Mr. Muhammad Kamran, Music Teacher (BS-11) | Withholding of increments for a period of two years under Section 4(1)(a)(ii) of the PEEDA Act, 2006. |
| 3. | Mr. Allah Ditta, Attendant (BS-03) | Dismissal from service under Section 4(1)(b)(vi) of the PEEDA Act, 2006. |
| 4. | Mr. Muhammad Safdar, Chowkidar (BS-01) | Dismissal from service under Section 4(1)(b)(vi) of the PEEDA Act, 2006. |



(SAIMA SAEED)

SECRETARY SPECIAL EDUCATION /
COMPETENT AUTHORITY

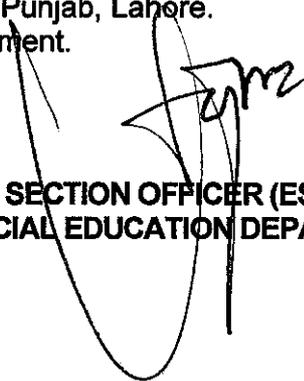
Dated Lahore, the
October 13th 2023

No. & Date Even:

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

1. Accountant General, Punjab, Lahore.
2. Director General Special Education, Punjab, Lahore.
3. District Accounts Officer, Okara.
4. Statistical Officer, Directorate General of Special Education, Punjab, Lahore.
5. District Education Officer (Special Education), Sahiwal to ensure delivery of this order to the accused officer / officials and implementation of the penalties under intimation to this department.

6. Headmaster/Headmistress, Govt. Special Education Centre, Depalpur to ensure delivery of this order to the accused officer / officials and implementation of the penalties under intimation to this department.
7. Accused Officer concerned / **Ms. Rehana Naeem**, Headmistress (BS-18), Govt. Special Education Centre, Depalpur, District Okara presently reported to the Department.
8. Accused Official concerned / **Mr. Muhammad Kamran**, Music Teacher (BS-11), Govt. Special Education Centre, Depalpur, District Okara presently reported to Directorate General of Special Education, Punjab, Lahore.
9. Accused Official concerned / **Mr. Allah Ditta**, Attendant (BS-03), Govt. Gunj Shakar Special Education Complex, Okara temporarily adjusted at Govt. Special Education Centre, Depalpur, District Okara presently reported to Directorate General of Special Education, Punjab, Lahore.
10. Accused Official concerned / **Mr. Muhammad Safdar**, Chowkidar (BS-01), Govt. Special Education Centre, Depalpur, District Okara presently reported to Directorate General of Special Education, Punjab, Lahore.
11. PS to Secretary Special Education Department.


SECTION OFFICER (ESTT.)
SPECIAL EDUCATION DEPARTMENT