

REGISTERED



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT

REMAND ORDER

No. SO(Estt) 40-60/2011: WHEREAS, Ms. Hina Iftikhar, Junior Special Education Teacher (H.I Field / BS-16), previously posted at Govt. Special Education Centre, Thokar Niaz Baig, Lahore, presently reported to department since 16.05.2024 (pursuant to order dated 13.05.2024 whereby she was directed to report to department) ('accused officer No. 1') filed a complaint dated 25.10.2023 against Mr. Khalid Mahmood, former Headmaster (BS-17+10% Special Pay), Govt. Special Education Centre, Thokar Niaz Baig, Lahore presently reported to department ('accused officer No. 2') which was forwarded to the Directorate General of Special Education Punjab ('DGSE') vide letter dated 03.11.2023 to submit a report in the matter to proceed further. Directorate General of Special Education vide letter dated 17.01.2024 forwarded a report by Ms. Fouzia Khurshid, Director (Monitoring), DGSE who after conducting the probe proceedings (after visiting the Centre and recording statements of all concerned) stated that Ms. Hina Iftikhar requested for grant for earned leave w.e.f. 26.10.2023 to 09.11.2023 (15 days) (on full pay) which was allowed/sanctioned by the Competent Authority vide order dated 15.12.2023. But after expiry of her leave, she did not attend the Center w.e.f. 10.11.2023 till to date without any intimation / prior approval of the competent authority. With regards to accused officer No.2, it was stated in the report that the accused officer No. 2 remained inefficient in the performance of his duties as the conductor namely Mr. Allah Rakha has been assigned the duty of matters related to Accountant General Punjab Office vide office order No. 192 dated 26.11.2022 which is against the job description of the conductor as a junior clerk is also posted at Govt. Special Education Centre, Thokar Niaz Baig, Lahore. The attendance register of non-teaching employees of the Centre is being marked with same font style which prima facie shows that attendance is marked by one person on behalf of all non-teaching staff and apparently seems to be bogus and fake.

2. AND WHEREAS, keeping in view the ancillary and related facts of the case and on account of availability of sufficient documentary evidence on record, Secretary Special Education being Competent Authority, while dispensing with regular inquiry, initiated disciplinary proceedings against the accused officers. Both officers were issued show-cause notices and given opportunities for personal hearings. However, their responses were deemed unsatisfactory, and it was decided to initiate a joint regular inquiry to gather evidence and record witness statements due to the complexity of the case.

3. AND WHEREAS, Secretary Special Education / Competent Authority after examination of record relating to the instant case, ordered afresh joint disciplinary proceedings against Ms. Hina Iftikhar, Junior Special Education Teacher (H.I Field /

BS-16), previously posted at Govt. Special Education Centre, Thokar Niaz Baig, Lahore, presently reported to department since 16.05.2024 and Mr. Khalid Mahmood, Headmaster (BS-17+10% Special Pay), Govt. Special Education Centre, Thokar Niaz Baig, Lahore, under Section 3 of the PEEDA Act, 2006 by appointing Mr. Abdul Sattar, Headmistress (BS-18), Govt. Deaf and Defective Hearing School for Boys, Gulberg-II, Lahore as Inquiry Officer to proceed against the accused Officers in terms of Section 5 read with Section 9 of the Act ibid, with the direction that inquiry officer will jointly proceed against the accused officers on the following charges of misconduct and inefficiency.

CHARGE AGAINST HINA IFTIKHAR / ACCUSED OFFICER NO. 1

"You were allowed earned leaves w.e.f. 26.10.2023 to 09.11.2023 but after the expiry of your leaves, you willfully absented yourself from your duties w.e.f 10.11.2023 till 12.05.2024 (for a period of 06 months) without any intimation or prior permission / approval of the leave by the Competent Authority".

CHARGES AGAINST KHALID MEHMOOD / ACCUSED OFFICER NO. 2

- Shahida*
- i. You misbehaved with Ms. Hina Iftikhar, JSET and her husband on 25.10.2023 and used abusive language which tantamounts to gross misconduct.
 - ii. You used abusive language and uttered immoral and derogatory remarks with female teaching staff of the centre in the presence of class-IV employees.
 - iii. You have remained inefficient in performance of your official duties as the conductor of the centre namely Mr. Allah Rakha has been assigned the duty of matters related to Accountant General Punjab Office vide office order No. 192 dated 26.11.2022 which is against the job description of the conductor as a Junior Clerk is posted at Govt. Special Education Centre, Thokar Niaz Baig, Lahore, for assisting you in handling administrative and financial matters.
 - iv. The attendance register of non-teaching employees of the Centre shows that attendance of non-teaching staff is being marked with same font style (hand writing) which *prima facie* shows that the said attendance is marked by one person on behalf of all non-teaching staff and apparently seems to be bogus and fake.

4. **AND WHEREAS**, the Inquiry Officer after conducting inquiry into the charges submitted inquiry report containing following recommendations viz-a-viz imposition of penalties upon the accused officers;

Sr. No	Accused officer/ Official	Recommendations
1.	Ms. Hina Iftikhar , Junior Special Education Teacher (H.I Field / BS-16), previously posted at Govt. Special Education Centre, Thokar Niaz Baig, Lahore, presently reported to department. (Accused officer No.01)	Since the charge stands fully proved against the accused officer, hence, she may be imposed upon, a minor penalty of "Censure" under section 4(1)(a)(i) and a major penalty of "forfeiture of past service for a period of (03) years" under section 4(1)(b)(iii) of PEEDA Act, 2006.
2.	Mr. Khalid Mahmood , Headmaster (BS-17+10% Special Pay), Govt. Special Education Centre, Thokar Niaz Baig, Lahore. (Accused officer No.02)	Since the charges (No. 01 to 03) stand proved against the accused officer, hence, he may be imposed upon, a minor penalty of "withholding of increments for a period of two years" under section 4(1)(a)(ii) of PEEDA Act, 2006.

5. **AND WHEREAS**, upon receipt of the Inquiry Report, Show Cause-Cum Personal Hearing Notice was issued to the accused officers under Section 13(4) of the PEEDA Act, 2006 directing them to submit additional defense, if any, and also to appear for personal hearing before Deputy Secretary, Special Education Department / Hearing officer nominated under Section 13 (4)(c) of the Act *ibid*.

6. **AND WHEREAS**, after hearing the accused officers / officials in presence of Departmental Representative, Hearing Officer submitted report of hearing proceedings stating therein that in the instant case, it has been brought to light during personal hearing that Mr. Muhammad Imran, Guard / Chowkidar, who was admittedly present at the Centre at the time of the altercation between Mr. Khalid Mahmood and the husband of Ms. Hina Iftikhar on 25.10.2023, was neither summoned nor examined during the inquiry proceedings. His testimony constitutes direct and material evidence in relation to one of the main charges of misconduct. Omission to record the statement of such a key witness renders the inquiry incomplete and violative of procedural fairness as envisaged under the PEEDA framework. Moreover, the PEEDA Act, 2006 guarantees the right of the accused officer to cross-examine the witnesses. While the inquiry report asserts that statements of various staff members were recorded, the record is silent on whether the accused officers were afforded the opportunity to cross-examine such witnesses, particularly in relation to the allegations of verbal misconduct and administrative inefficiency. The right of cross-examination is a cardinal requirement of due process and an essential safeguard to challenge the credibility, bias, or veracity of witness statements. The denial or ineffective facilitation of this right compromises the inquiry's evidentiary robustness and procedural integrity. Furthermore, it is evident upon scrutiny that the Inquiry Officer failed to take into account key contextual facts, including the presence and role of the Guard / Chowkidar during the alleged incident and the dynamics that led to the altercation. Moreover, the medical record of Ms. Hina Iftikhar has also not been considered by the Inquiry Officer. The Hearing Officer suggested that it will be in the fitness of things that inquiry is remanded to the Inquiry Officer to fill these factual gaps and to enable a just adjudication based on a complete evidentiary record.

7. **AND WHEREAS**, upon a comprehensive examination of the inquiry report in conjunction with the findings of the Hearing Officer as recorded in the Hearing Report, it has been observed that the accused officers were not afforded the opportunity of cross-examination during the inquiry proceedings, thereby infringing upon the principles of natural justice. Furthermore, statement of Mr. Muhammad Imran Guard / Chowkidar was not recorded / cross examined. The medical record of Ms. Hina Iftikhar was also not considered by the Inquiry Officer. Accordingly, in the interest of justice, the issues highlighted above, as well as those raised by the Hearing Officer in the Hearing Report, are required to be addressed in a lawful and judicious manner.

8. **NOW THEREFORE**, in view of the foregoing, I, **Shahida Farrukh Naveed**, Secretary Special Education / Competent Authority, in exercise of powers conferred under Section 13(6) of the PEEDA Act, 2006, hereby remand the matter to the Inquiry Officer with the direction to re-conduct the inquiry strictly in accordance with the provisions of the PEEDA Act, 2006, ensuring that the right of cross-examination is granted to the accused officers. The Inquiry Committee is further directed to specifically address the observations and questions raised hereinabove and in the Hearing Report, and to submit inquiry report containing detailed findings in respect of each charge along with clear and reasoned recommendations and penalties which commensurate to the gravity of proven charges, if any.

Shahida 30/4/2025
(**SHAHIDA FARRUKH NAVEED**)
SECRETARY

GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
COMPETENT AUTHORITY

Dated Lahore, the
April 30 /2025

No. & Date Even:

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

1. **Director General**, Special Education Punjab, Lahore.
2. **District Education Officer** (Special Education), Lahore.
3. Inquiry Officer / **Mr. Abdul Sattar**, Headmistress (BS-18), Govt. Deaf and Defective Hearing School for Boys, Gulberg-II, Lahore.
4. **Mr. Saqib Rukh Noshahi**, Senior Special Education Teacher (BS-17), Govt. Deaf and Defective Hearing High School for Boys, Gulberg-II, Lahore / Departmental Representative to ensure delivery of this order to the accused officers and discharge duties as per Section 12 of the PEEDA Act, 2006.
5. Accused officer No. 1 / **Ms. Hina Iftikhar**, Junior Special Education Teacher (H.I Field / BS-16), previously posted at Govt. Special Education Centre, Thokar Niaz Baig, Lahore, presently reported to department.
6. Accused officer No. 2 / **Mr. Khalid Mahmood**, former Headmaster (BS-17+10% Special Pay), Govt. Special Education Centre, Thokar Niaz Baig, Lahore presently reported to department.
7. PS to Secretary Special Education Department.

[Signature]
SECTION OFFICER (ESTT.-I)
SPECIAL EDUCATION DEPARTMENT