

REGISTERED



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT

REMAND ORDER

No. SO(ESTT.)2-03/07: **WHEREAS**, disciplinary proceedings through a regular inquiry were initiated against **Mr. Muhammad Zubair**, Instructor Physical Education (BS-17) / ex-Incharge-Principal, Govt. Secondary School of Special Education (Hearing Impaired), Pakpattan presently posted in Govt. Special Education Centre, Muridkey ('**accused officer**') under the PEEDA Act, 2006, vide Order of Inquiry dated **08.11.2024** on the charges of inefficiency, misconduct and corruption by appointing **Mrs. Nadia Saeed**, Headmistress (BS-18), Govt. Higher Secondary School of Special Education for HIC (Boys), Sahiwal as Inquiry Officer.

2. **AND WHEREAS**, the Inquiry Officer after conducting inquiry into the charges submitted inquiry report and recommended imposition of following penalties upon the accused officer:

- i. Major penalty of '**recovery from Pay amounting to Rs. 260,614/-**' under Section 4(1)(b)(i) of the PEEDA Act, 2006; and
- ii. Major penalty of '**forfeiture of past service for a period of 03 years**' under Section 4(1)(b)(iii) of the PEEDA Act, 2006.

3. **AND WHEREAS**, upon receipt of the inquiry report, Show Cause-Cum Personal Hearing Notice was issued to the accused officer under Section 13(4) of the PEEDA Act, 2006 directing him to submit additional defense, *if any*, and also to appear for personal hearing before Deputy Secretary, Special Education Department / Hearing Officer appointed under Section 13(4)(c) of the PEEDA Act, 2006.

4. **AND WHEREAS**, after hearing the accused officer in presence of Departmental Representative, the Hearing Officer submitted report of hearing proceedings highlighting grave procedural lapses and material irregularities in the inquiry proceedings and suggested to remand the inquiry to the Inquiry Officer under Section 13(6) of the PEEDA Act, 2006 to conduct the inquiry strictly in accordance with law and the following directions may also be issued:

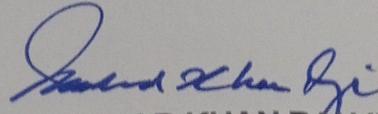
- The Inquiry Officer shall summon and record the statement of the contractor/firms who supplied the alleged goods.
- Physical verification of the school store, sports equipment, and furniture shall be conducted and documented.
- The accused officer shall be granted full right to cross-examine all prosecution witnesses.
- All documents and defense evidence submitted by the accused officer shall be thoroughly examined and discussed in the final findings.

5. **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 a principal charge against the accused officer pertains to the procurement and alleged misappropriation of sports goods. The accused officer has taken a categorical stance that the relevant items were delivered by the contractor and stock entries were duly recorded. It is an undeniable principle of administrative law that proceedings which are quasi-judicial in nature must be based on cogent, credible, and complete evidence. The failure of the Inquiry Officer to summon and examine the contractor, *a direct and indispensable witness whose testimony could conclusively confirm or disprove delivery and receipt of the alleged items*, amounts to a gross procedural omission. This failure violates the mandate of fair inquiry under the PEEDA Act, 2006. As per stance of the accused officer, he repeatedly requested the Inquiry Officer to physically inspect the Centre's store and verify the presence of sports and other items. Such inspection is a simple and direct means of substantiating or negating allegations of fictitious purchases. The refusal of the Inquiry Officer to conduct such a crucial verification process not only deprived the inquiry of an objective evidentiary basis but also constitutes a dereliction of procedural diligence. The Inquiry Officer's reliance solely on the statements of staff of the Centre, without corroborative physical verification, undermines the factual foundation of the findings.

6. **AND WHEREAS**, right of cross-examination is a cardinal tenet of due process and is specifically envisaged under Section 10(1) of the PEEDA Act, 2006. The accused officer has consistently maintained that while statements of various individuals were recorded in his presence, he was not afforded the opportunity to cross-examine those witnesses. The inquiry report is conspicuously silent on whether this right was granted or exercised. The absence of this essential procedural safeguard denies the accused officer the opportunity to challenge the credibility and potential bias of witnesses, and vitiates the very object of a fair and impartial inquiry. It is further observed that the accused officer during course of inquiry proceedings produced a voluminous and detailed written defense, with supporting documents, receipts, stock registers, training records, photographs, and certificates. Several of these documents were either not considered or summarily disregarded by the Inquiry Officer without appropriate analysis or rebuttal. The absence of a reasoned and balanced evaluation of defense evidence offends the principles of natural justice and raises serious doubts as to the impartiality and adequacy of the inquiry process. In light of the aforementioned material irregularities, the present inquiry cannot form the basis for imposition of major penalties. The Inquiry Officer failed to observe essential procedural safeguards, relied on incomplete and unverified record, and omitted to examine the most material evidence.

7. **NOW THEREFORE**, in view of the foregoing, I, **Muhammad Khan Ranjha**, Secretary Special Education / Competent Authority, in exercise of powers conferred under Section 13(6) of the PEEDA Act, 2006, hereby remand the inquiry 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 statements of all concerned witnesses are recorded, physical verification of stock is made and the right of cross-

examination is granted to the accused officer. The Inquiry Officer is further directed to specifically address the observations and questions raised hereinabove and in the hearing report of the Hearing Officer, 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, within a period of **30-days**.


(MUHAMMAD KHAN RANJHA)
SECRETARY

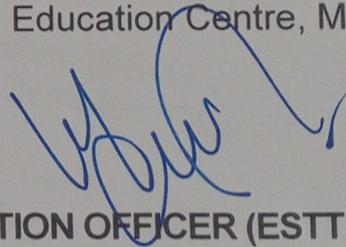
GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
COMPETENT AUTHORITY

Dated Lahore, the
June 24th /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), Sahiwal.
3. **Mrs. Nadia Saeed**, Headmistress (BS-18), Govt. Higher Secondary School of Special Education for HIC (Boys), Sahiwal / **Inquiry Officer**.
4. **Mr. Imran Sher**, Superintendent (BS-17), office of District Education Officer (Spl. Edu.), Sahiwal / **Departmental Representative** to ensure delivery of this order to the accused officer and discharge duties as per Section 12 of the PEEDA Act, 2006.
5. **Accused Officer / Mr. Muhammad Zubair**, Instructor Physical Education (BS-17) / ex-Incharge-Principal, Govt. Secondary School of Special Education (Hearing Impaired), Pakpattan presently posted in Govt. Special Education Centre, Muridkey.
6. PS to Secretary Special Education Department.


SECTION OFFICER (ESTT.-I)
SPECIAL EDUCATION DEPARTMENT