

REGISTERED



## ORDER

### GOVERNMENT OF THE PUNJAB SPECIAL EDUCATION DEPARTMENT

No. LO(Appeal)1-16/2025. WHEREAS, Mr. Muhammad Alsm, ex-Hostel Superintendent (BS-12), Govt. Degree College of Special Education, Bahawalpur ('appellant') filed departmental appeal under Section 16 of the PEEDA Act, 2006 ('Act') against the order dated 14.04.2025 ('Impugned Order') passed by Director General Special Education, Punjab ('DGSE') whereby major penalty of "Compulsory Retirement" under Section 4(1)(b)(iv) of the PEEDA Act, 2006 ('Impugned penalty') was imposed upon the appellant.

2. AND WHEREAS, comments on the appeal were obtained from DGSE. In order to decide the appeal of the appellant, the appellant was afforded opportunities of personal hearing on 07.08.2025 and 14.11.2025 in presence of Departmental Representative of Directorate General of Special Education, Punjab, Lahore.

3. AND WHEREAS, during the hearing proceedings, the appellant, while reiterating the stance already taken by him in his departmental appeal, *inter alia*, contended that the charges levelled against him are false and contrary to record; that the inquiry was not conducted in accordance with the law; that he was not provided ample opportunities to rebut the charges and to cross examine the record and witnesses, *who deposed against him*; that the penalty imposed upon him, *in view of the facts of the case*, is harsh and unjustified; that he had allowed the hostel gathering only after student Zeeshan Haider (4<sup>th</sup> year) informed him that prior permission had already been granted by the Principal, and that when the students attempted to extend the party late into the night, he directed them to disperse, whereupon they began threatening him. He contended that the hostel accommodates around 100 special children who promptly report any incident to their parents, making the allegation of harassment inherently implausible, and asserted that the accusations are the result of a conspiracy by certain students aggrieved by his strict enforcement of hostel rules, including timings and prohibition of mobile phones. He stated that no parent has ever lodged any complaint against him and that both staff members and senior students have affirmed that no inappropriate conduct was observed on his part. He further explained that the students themselves had turned off the CCTV cameras during the incident to avoid action; that attempts to contact the Principal at the relevant time were unsuccessful; and that he therefore immediately informed the hostel coordinator, Mr. Aftab. The appellant also alleged that the inquiry was influenced by pressure exerted by the same group of students seeking his transfer. He submitted the statement of Mr. Ghulam Shabbir, father of the concerned student, Mr. Taseeb Ahmad, who later appeared and filed an affidavit categorically stating that his son had never complained of any misconduct by the appellant. He, lastly, requested that the impugned penalty order may be set-aside and he may be exonerated from the charges.

4. AND WHEREAS, Departmental Representative apprised that the District Education Officer (Special Education), Bahawalpur, vide letter dated 15.01.2025, reported that a complaint was lodged by special children of the college against the appellant. The complaint pertained to allegations of harassment within the college hostel involving a student named Mr. Taseeb Ahmad, a first-year student. In response, the Principal of the institution promptly constituted a three-member inquiry committee to investigate the matter. Upon thorough examination, the committee concluded that the allegations made in the complaint stood substantiated. In light of the committee's findings, the District Education Officer (Special

Education), Bahawalpur, recommended that disciplinary action be initiated against the appellant under the provisions of the PEEDA Act, 2006. Subsequently, the disciplinary proceedings were initiated against appellant through a regular inquiry under the Section 5 read with Section 9 of the PEEDA Act, 2006 vide order dated **23.01.2025** on the following charges of inefficiency and misconduct by appointing Mr. Shehbaz Ali, DEO(SE), Sahiwal as Inquiry Officer;

- i. The accused official allowed a party to be arranged in the college building despite the concerned Principal's refusal, demonstrating a blatant disregard for authority and protocol.
- ii. The accused official engaged himself in inappropriate and unprofessional behaviour with Mr. Taseeb Ahmad, a 1st-year student and tried to harass him after party in hostel premises.
- iii. The accused official intentionally closed the CCTV cameras to avoid recording of the incident, demonstrating a deliberate attempt to destroy evidence and conceal their wrongdoing.

The Inquiry Officer after conducting inquiry into the charges submitted inquiry report on **25.01.2025** and recommended imposition of major penalties of 'forfeiture of past service for 3-years' under section 4(1)(b)(ii) and 'Compulsory Retirement' under section 4(1)(b)(iv) of the Act *ibid* upon the appellant. Upon receipt of the inquiry report, the Competent Authority / DGSE issued Show Cause-cum-Personal Hearing Notice to the appellant under Section 13(4) of the Act *ibid* directing him, to submit his additional defence, *if any*, and to appear for personal hearing on **07.02.2025**. The appellant appeared before DGSE / Competent Authority on the fixed date and filed additional defense reply. During hearing, the appellant also submitted statement of Mr. Ghulam Shabbir, father of Special Student named Tehseeb Ahmad. Mr. Ghulam Shabbir, father of Special Student named Tehseeb Ahmad was called for personal hearing on 17.02.2025 but he did not appear. Therefore, he was again called for personal hearing on 28.02.2025. Accordingly, he appeared and submitted affidavit wherein he submitted that Mr. Taseeb Ahmad, a first-year student residing in the hostel of Government Degree College of Special Education, Bahawalpur, has never reported any misconduct by the hostel staff, particularly the appellant. According to him, his son always spoke positively about Mr. Aslam's behavior and never mentioned any incident of harassment. He believes that if any such incident had occurred, his son would have informed him immediately.

**5. AND WHEREAS,** Departmental Representative further stated that after consulting the relevant record, complaint, probe report, inquiry report, recommendations of the inquiry officer and outcome of the personal hearing, the DGSE found that the charges leveled against the appellant stood fully proved. The DGSE was of the view that on account of seriousness of the charges, there was no room for any leniency against him. Accordingly, the DGSE / Competent Authority imposed major penalty of 'compulsory retirement from service' in terms of 4(1)(b)(iv) of the Act *ibid* upon the appellant vide order dated 17.04.2025.

**6. AND WHEREAS,** after hearing the appellant and examining/perusing the relevant record available in the file and being mindful of the facts of the case, at the very outset it has been observed that it is a settled principle of law that disciplinary proceedings must nevertheless conform to the minimum standards of fairness, reasonableness, and due process. It is obligatory upon the Inquiry Officer to ensure that the accused official is provided a meaningful and effective right of defence, including the right to confront and cross-examine witnesses whose statements are used against him. In the present case, the complete denial of the right to cross-examination constitutes a fundamental procedural flaw, rendering the inquiry proceedings defective and legally unsustainable. It is further noted that non-consideration of material exculpatory evidence, particularly the affidavit and oral statements

of the father of the victim-student, constitutes a serious lapse. The statement of the father, who is the natural guardian, directly concerned, and whose testimony carries substantive evidentiary value, categorically negates the allegation of harassment. The failure of the Competent Authority to even address, let alone evaluate, this crucial piece of evidence amounts to non-application of mind, an error that strikes at the very root of the impugned order. It has been further observed that the Competent Authority, while passing the order, is under a statutory obligation to provide reasoned findings based on the record, addressing the defence taken by the accused and evaluating every material document in light of the inquiry report. The impugned order is silent regarding (i) the grounds raised in the appellant's defence, (ii) the affidavit of the victim's father, (iii) discrepancies in the statements of complainant students, and (iv) deficiencies in the inquiry. From perusal of the impugned penalty order, it transpires that the major penalty has been awarded to the appellant on the basis of defective inquiry as no right of cross examination was granted to the appellant during the whole inquiry proceedings.

7. **NOW THEREFORE, I, Shoab Iqbal Syed**, Secretary, Special Education Department being **Appellate Authority** in the instant case, after going through the relevant record, am of the considered view that since the Directorate General of Special Education has failed to get conducted proper proceedings against the appellant before imposing major penalty and *prima facie*, the penalty impugned has been imposed on the basis of defective inquiry, hence the penalty order is not sustainable. Therefore, *for reasons recorded above*, departmental appeal of the appellant is hereby **allowed/accepted** under Section 16(2)(d) of the PEEDA Act, 2006 and the impugned order is hereby **set-aside** and the appellant is **reinstated into service**. However, keeping in view the seriousness of the matter involving allegation of molestation / grave misconduct, case is remanded to the Competent Authority i.e., **Director General Special Education, Punjab, Lahore** to remand the inquiry report to the Inquiry Officer to grant right of cross examination to the appellant and to conduct proper inquiry in accordance with the law. The inquiry shall be concluded and a speaking order shall be passed within **two weeks** of the receipt of this order. The appellant, upon reinstatement, shall remain under suspension and report to Directorate General of Special Education, Punjab, Lahore, till the final outcome of the inquiry. The intervening period, *during which the appellant remained out of service*, shall be decided by the Competent Authority in accordance with law after the conclusion of the proceedings.

Dated Lahore the  
November 19 / 2025

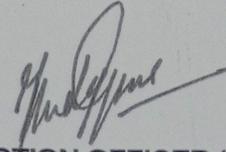
(SHOAIB IQBAL SYED)  
SECRETARY  
GOVERNMENT OF THE PUNJAB  
SPECIAL EDUCATION DEPARTMENT/  
APPELLATE AUTHORITY

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. Director (Admn), Directorate General of Special Education, Punjab, Lahore.
4. Statistical Officer, Directorate General of Special Education, Punjab, Lahore.
5. District Education Officer (Special Education), Bahawalpur to ensure delivery of this order to the appellant under intimation to the department.
6. **Principal**, Govt. Degree College of Special Education, Bahawalpur to ensure delivery of this order to the appellant.

7. Appellant concerned / **Mr. Muhammad Alsm**, Hostel Superintendent (BS-12), Govt.  
Degree College of Special Education, Bahawalpur.  
8. PS to Secretary Special Education Department.



SECTION OFFICER (ESTT.)