

REGISTERED



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT

ORDER

No. SO(Estt)21-352/18: WHEREAS, disciplinary proceedings through a regular inquiry under the Section 5 read with Section 9 of the PEEDA Act, 2006 ('Act') were initiated against **Ms. Nazia Mushtaq**, Senior Special Education Teacher (HI Field/BS-17), former Incharge Headmistress, Govt. Special Education Centre, Layyah, presently posted at Govt. Special Education Centre, Karor Lal Eason, District Layyah ('accused officer No. 1') and **Ms. Rehana Ambreen**, Senior Teacher (BS-18/Personal), previously posted as District Education Officer (Special Education), D.G. Khan, presently awaiting posting in this department ('accused officer No. 2') (jointly referred as be as 'accused officers') vide order dated 02.04.2024 by appointing an Inquiry Officer on the following charges of inefficiency and misconduct:

CHARGE AGAINST MS. NAZIA MUSHTAQ

Being Incharge Headmistress of Govt. Special Education Centre, Layyah, Ms. Nazia Mushtaq was responsible for overseeing administrative matters of the Centre but she failed to discharge her duties in befitting manner and her negligence is apparent from the fact that Ms. Nazia Mushtaq failed to get stopped the salary of Ms. Ruqayyah Malik, Psychologist (BS-17), Govt. Special Education Centre, Layyah who was absent from duty w.e.f. 01.11.2021 and accordingly, Ms. Ruqayyah Malik, during the period of her willful absence w.e.f. 01.11.2021, withdrew her salary till September 2022 (almost 11 months), which caused huge financial loss to the Government exchequer amounting to Rs. 10,00,000/- (One Million Rupees approx.).

CHARGE AGAINST MS. REHANA AMBREEN

Being former District Education Officer (Special Education), D.G. Khan, Ms. Rehana Ambreen at the time failed to promptly report the absence of Ms. Ruqayyah Malik, Psychologist (BS-17), Govt. Special Education Centre, Layyah to the Competent Authority, which caused delay in initiation of disciplinary proceedings against Ms. Ruqayyah Malik. Moreover, Ms. Rehana Ambreen also failed to ensure that salary of Ms. Ruqayyah Malik, who was unauthorizedly absent from duty w.e.f. 01.11.2021, is stopped immediately. Due to inefficiency of Ms. Rehana Ambreen, Ms. Ruqayyah Malik, during the period of her willful absence w.e.f. 01.11.2021, withdrew salary till September, 2022 which caused huge financial loss to the Government exchequer amounting to Rs. 10,00,000/- (One Million Rupees approx.).

2. AND WHEREAS, the Inquiry Officer after conducting the inquiry proceedings submitted inquiry report. Where-after, Show Cause-cum-Personal Hearing Notice under Section 13(4) of the PEEDA Act, 2006 was issued to the accused officer No. 1 directing her to submit additional defense, if any, and also to

appear before Deputy Secretary Special Education / **Hearing Officer** appointed under Section 13(4)(c) of the Act *ibid*, for personal hearing. The Hearing Officer after affording opportunity of personal hearing to the accused officer in presence of Departmental Representative and fulfilling all codal formalities submitted report of hearing proceedings suggesting / recommending initiation of *de novo* inquiry under Section 13(6) of the PEEDA Act, 2006.

3. **AND WHEREAS**, in view of the observations of the Hearing Officer and the procedural deficiencies noted, *de novo* disciplinary proceedings were initiated against the accused officers under Section 13(6) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 vide order dated 09.09.2024 (*substituted vide order dated 04.07.2025*) by appointing Mr. Muhammad Iqbal, Principal (BS-19), Govt. Sunrise High School of Special Education for VIC, Lahore as Inquiry Officer.

4. **AND WHEREAS**, the Inquiry Officer, after conducting inquiry in accordance, submitted the inquiry report wherein it was concluded that the charge of inefficiency and misconduct levelled against the accused officer No. 2 remained unsubstantiated. Accordingly, the Inquiry Officer recommended that the accused officer No. 2 may be **exonerated** of the charge. Whereas, with regard to accused officer No. 1, the Inquiry Officer was of the view that the charge against the accused officer No.1 has been substantiated, hence recommended that the minor penalty of **'withholding of one increment for the period of three years'** under Section 4(1)(a)(ii) of the PEEDA Act, 2006 may be imposed upon her.

5. **AND WHEREAS**, upon receipt of the inquiry report, Show Cause-cum-Personal Hearing Notice was issued to accused officer No. 1 under Section 13(4) of the PEEDA Act, 2006, directing her to submit additional written defence, *if any*, and to appear for personal hearing before the undersigned on 05.11.2025. However, she ~~did not appear~~ and submitted an application stating therein that she had not received the record pertaining to the inquiry, to file additional defence reply. Through application, she requested for provision of inquiry report alongwith annexures. Accordingly, the inquiry report alongwith its annexures were provided to her. In the interest of justice, another opportunity of personal hearing was granted to the accused officer No.1 and she was directed to appear before the undersigned on 17.11.2025.

6. **AND WHEREAS**, in compliance, the accused officer No. 1 appeared and submitted an additional defence reply. During the course of hearing, while reiterating the stance already taken by her in her earlier replies submitted during inquiry proceedings and taken in her additional defence reply, she, *inter alia*, contended that she has not committed any act of inefficiency or misconduct as alleged in the statement of charge. She contended that all actions taken by her were strictly in accordance with departmental rules and within the scope of her official duties. The accused argued that the charge is based on misunderstanding of facts, lack of proper appreciation of the record, and that no element of mala fide, negligence, financial irregularity, or willful dereliction of duty is attributable to her. She further submitted that the inquiry proceedings did not establish any direct

evidence proving the alleged lapses; that the findings of the Inquiry Officer have overlooked her written defence, supporting documents, and mitigating circumstances; and that the discrepancies pointed out in the inquiry report are procedural in nature, without any adverse financial impact on the government. The accused maintained that she performed his duties diligently, and any administrative shortcomings, if found, were unintentional and occurred due to systemic constraints rather than personal fault. She also emphasized her long, unblemished service record, asserting that the initiation of disciplinary proceedings was unwarranted and that the charge may be dropped in the interest of justice. Lastly, she prayed for exoneration from the charge being baseless and devoid of merit. On the other hand, the Departmental Representative submitted that the entire record relevant to the charges was duly provided to accused officer No. 1; that inquiry proceedings were conducted strictly in accordance with the provisions of the PEEDA Act, 2006; that statements of all concerned witnesses were recorded in presence of the accused officers; and that the charges of inefficiency and misconduct stood fully proved against accused officer No. 1. The Departmental Representative maintained that the penalty proposed by the Inquiry Officer commensurate with the guilt established, and that all contentions raised by the accused officer No. 1, both in writing and during hearing, were meritless and stood rebutted by the record.

7. **AND WHEREAS**, after hearing the submissions of accused officer No. 1 and the Departmental Representative, and upon careful examination of the additional defence reply, the annexed documents, the inquiry report, and the recommendations of the Inquiry Officer, it has been observed that the inquiry was conducted in accordance with the provisions of the PEEDA Act, 2006; that due process of law was scrupulously followed; and that the accused officers were afforded full, fair, and adequate opportunity to present their defence. The findings of the Inquiry Officer are based on cogent, convincing, and confidence-inspiring evidence. On thorough perusal of the record and evaluation of witness statements, the charges of inefficiency and misconduct against accused officer No. 1 stand proved. It is further observed that no new or plausible evidence has been adduced by her during the personal hearing to dislodge or rebut the material already available on record. Upon careful appraisal of the circumstances, it is noted that the penalty proposed by the Inquiry Officer is proportionate and commensurate with the gravity of the established charge.

8. **AND WHEREAS**, perusal of record shows that Deputy Director (Admn) Directorate General of Special Education, Punjab, Lahore forwarded report of District Education Officer (Special Education) D.G. Khan dated 22.11.2023, wherein it was informed that Ms. Ruqayyah Malik was appointed as Psychologist (BS-17) on contract basis for period of five years. She remained absent from her duty w.e.f 01.11.2021 to till date. She despite being absent from duty has drawn her salary till September 2022. It was also informed that accused officer No. 1 failed to stop salary. Due to her negligence and inefficiency, loss amounting to Rs. 10,00,000/- (one million approximately) occurred to government exchequer on drawing of unlawful salary by Ms. Ruqqaya Malik during the absence period. Perusal of record further shows that the accused officer No. 1 vide letter dated 24.11.2021 forwarded absent report of Ms. Ruqqaya Malik to accused officer No. 2. The accused officer

No. 2 vide letter dated 01.12.201 directed accused officer No. 1 to submit detailed report of absence of Ms. Ruqqaya Malik but no report was ever submitted by the accused officer No. 1. It is also matter of record that despite reporting absence of Ms. Ruqqaya Malik, the accused officer No.1, being DDO of the Centre, failed to get stop the salary of Ms. Ruqqaya Malik. Later on, Ms. Ruqqaya Malil tendered her resignation to the accused officer No. 1 (dated 01.02.2022) which was sent to the office of accused officer No. 2 vide letter dated 12.02.2022 by accused officer No. 1 (it is also noted that despite submission of resignation by Ms. Ruqqaya Malik and also being absent from duty, the accused officer No. 1, being DDO of the Centre, failed to get stop her salary). As per record, the accused officer No. 2 forwarded the resignation of Ms. Ruqqaya Malik to DGSE vide letter dated 16.02.2022 for further necessary action. Vide letter dated 22.03.2022, the resignation of Ms. Ruqqaya Malik was submitted in Special Education Department which was returned to DGSE for submission of complete case with fresh status and clear recommendations. Vide letter dated 25.10.2023, accused officer No. 2 was requested to provide fresh report. The accused officer No. 2, vide letter dated 01.11.2023 submitted report, whereafter, Deputy Director, DGSE vide letter dated 22.11.2023 forwarded the report to Special Education Department stating therein that accused officers failed to submit absent report timely and accused officer No. 1 failed to stop salary of Ms. Ruqqaya Malik.

9. **AND WHEREAS**, with respect to accused officer No. 1, Ms. Nazia Mushtaq, it is observed that the charge against Ms. Nazia Mushtaq is that, while functioning as Incharge Headmistress and Drawing & Disbursing Officer (DDO) of Govt. Special Education Centre, Layyah, she negligently failed to ensure stoppage of salary of Ms. Ruqayyah Malik (Psychologist, BS-17) who was unauthorizedly absent w.e.f. 01-11-2021 and, as a consequence, the said employee continued to draw salary until September 2022, causing approximate loss to the Government exchequer of Rs. 1,000,000/-. The Inquiry Officer, *after recording witness testimony and examining documentary evidence*, has found the charge against the accused officer No. 1 proved and recommended the minor penalty of withholding one increment for a period of three years under Section 4(1)(a)(ii) of the PEEDA Act, 2006. The accused officer No. 1 contests the finding and raises objections in her additional defence. It is manifest that the onus of proving the charge(s) in departmental proceedings lies upon the prosecution/departmental side. However, once the prosecution adduces cogent, credible and consistent evidence establishing the material facts constituting the charge, the burden shifts to the accused officer to satisfactorily explain or rebut the same. In the present matter the Inquiry Officer has recorded documentary evidence (absent reports, correspondence, stoppage forms, DDO records and contemporaneous letters) and oral testimony (including that of the then Senior Clerk) which, when read as a whole, satisfy the preponderance standard applicable to disciplinary proceedings under the PEEDA Act. The accused officer No. 1 contends that she was not supplied the record, that cross-examination opportunities were denied, and that the Inquiry Officer acted mala fide. These contentions have been examined and rejected being devoid of merits. The record shows that the accused officer No. 1 submitted written defence(s) during inquiry, received the inquiry report and annexures (via WhatsApp and thereafter in physical form on request), and availed the opportunity of personal hearing on 17-11-2025.

The annexures relied upon by the Inquiry Officer (absent report dated 24-11-2021, forwarding letters dated 16-02-2022 and 22-03-2022, stoppage documentation, and internal correspondence) are part of the inquiry file and were available to the accused officer No. 1. Any temporary delay in supply of certain documents does not vitiate the proceedings where the accused officer No. 1 had ample opportunity to place material before the Inquiry Officer and to make written and oral submissions. The record demonstrates that the principles of natural justice were respected in substance. The Inquiry Officer recorded evidence of material witnesses and placed statements on record.

10. **AND WHEREAS**, the accused officer No. 1 participated in the inquiry and had opportunity to ask questions and make submissions. No concrete instance is made out where a material witness was admitted and relied upon without any chance being afforded to the accused officer No. 1 to test that witness' statement. General allegations of denial of cross-examination are insufficient; the accused officer No. 1 has not identified specific and prejudicial omissions that would render the inquiry a nullity. The accused officer No. 1 imputes mala fides on the Inquiry Officer because certain peripheral facts (e.g., complaint entries on public portals, prior letters regarding performance) are noticed in the report. An Inquiry Officer is entitled to take into account contemporaneous administrative records and earlier communications relevant to an officer's fitness for administrative responsibility; reference to such material does not, without more, establish bias. No objective evidence of mala fide has been shown; the Inquiry Officer's conclusions are supported by material on record and reasoned findings. The accused officer No. 1 asserts that there existed no power or legal obligation on her part to stop the salary of a Gazetted officer and invokes Article 4(2)(c) of the Constitution. These contentions are misconceived. It is noted that the accused officer No. 1 functioned as Incharge Headmistress and Drawing & Disbursing Officer of the Centre during the relevant period and, as such, by law and administrative instruction she was the custodian of the Centre budget and was responsible for countersigning/pay-related formalities. Guide Book for Drawing & Disbursing Officers (Govt. of the Punjab, January 2009) (specifically section 8.7 on inactivation/stoppage of pay) impose a positive obligation upon the DDO to ensure timely deactivation of pay in events of unauthorized absence, resignation, transfer, retirement or death. The undisputed record shows that the accused officer No. 1 enjoyed DDO powers from 29.04.2019 to 31.07.2023. The accused officer No. 1 was given formal absent report(s) and, on 24.11.2021, she forwarded the absent report to the then DEO. She was also requested repeatedly (including by the then Senior Clerk and by the supervisory officer) to take steps for stoppage of pay. Thus, she had both constructive and actual notice of the continued payment and of the necessity to act. Passive reliance on an absence of a specific written order from higher authorities does not absolve a DDO of the duty to protect public funds when the facts plainly require administrative action. It is further noted that Article 4(2)(c) of the Constitution prohibits compelling a person to do what the law does not require. It does not operate to license a public servant to remain inert where statutory and administrative duties require affirmative action to prevent unauthorized disbursement of public funds. The accused officer No. 1's constitutional plea is therefore inapt; administrative rules and the Guide Book, places a duty upon a DDO to deactivate pay where grounds exist; accordingly, the

stance that she failed to perform lawful duty is not barred by Article 4.

11. **AND WHEREAS**, on a holistic reading of the record, it has been noted that the absent report (24-11-2021) and subsequent correspondence establish that the accused knew of the employee's absence. The DEO's directions to provide a detailed report (01-12-2021) and subsequent forwarding of resignation (12-02-2022; forwarded to DGSE on 16-02-2022) confirm the administrative trajectory and the need for action. The contemporaneous admission by the accused that she did not deactivate pay initially and her subsequent reliance upon an alleged absence of "law" or "document" empowering her to stop pay are inconsistent with the Guide Book and with her duties as DDO. The statement of the then Senior Clerk corroborates that he requested stoppage and that the accused declined, asserting lack of power; the accused's failure to seek timely written clarification from the Accounts office or the Directorates, or to lodge reminders, is a glaring dereliction. The accused finally effected stoppage only after repeated directions by supervisory authority and after prolonged unauthorized drawl of pay. Taken together, the documentary and oral evidence meet the preponderance threshold and establish that the accused was negligent and inefficient in performance of her DDO responsibilities and that such negligence led to unauthorized drawl of public funds to the approximate tune of Rs. 1,000,000/-. It has been noted that the charge of inefficiency and misconduct levelled against Ms. Nazia Mushtaq / accused officer No. 1 stands proved on the basis of cogent, convincing and preponderant evidence. Her failure to discharge the duties of a DDO in a timely and responsible manner caused unauthorized drawl of public funds and constituted actionable misconduct. The penalty recommended by the Inquiry Officer is proportionate.

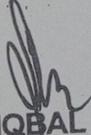
12. **AND WHEREAS**, after comprehensive and independent appraisal of the entire case record, with regards to accused officer No. 2 / Ms. Rehana Ambreen, it has been observed that the Inquiry Officer, upon thorough scrutiny of the record and examination of witnesses, concluded that the charge against her remained unsubstantiated. The findings are duly supported by documentary evidence as well as oral testimony recorded during the inquiry proceedings. It is evident that despite a comprehensive examination of the record and statements of all concerned, nothing adverse was found to connect her with the commission of the alleged misconduct. The findings of the Inquiry Officer are consistent with the record and the recommendations made are in consonance therewith. Accordingly, the Inquiry Officer has recommended her exoneration from the charge.

13. **NOW THEREFORE**, I, Shoaib Iqbal Syed, 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*, and in exercise of powers conferred under Section 13(5) of the PEEDA Act, 2006, do hereby order as follows:

1. The charge of inefficiency and misconduct against accused officer No. 1, Ms. Nazia Mushtaq, Senior Special Education Teacher (HI Field/BS-17), former Incharge Headmistress, Govt. Special Education Centre, Layyah, presently posted at Govt. Special Education Centre, Karor Lal

Eason, District Layyah, stand **fully proved**. Hence, while agreeing with the recommendation of the Inquiry Officer, and in exercise of powers vested in me under Section 13(5) read with Section 4 of the PEEDA Act, 2006, I hereby impose the minor penalty of '**withholding of one increment for a period of three years**' under Section 4(1)(a)(ii) of the PEEDA Act, 2006.

- ii. The charge of inefficiency and misconduct against accused officer No. 2 / Ms. Rehana Ambreen, Senior Teacher (BS-18/Personal), previously posted as District Education Officer (Special Education), D.G. Khan, presently awaiting posting in this department is held unproved. Accordingly, while concurring with the recommendations of the Inquiry Officer, she is hereby **exonerated** of the charge levelled against her under Section 13(3) of the PEEDA Act, 2006.

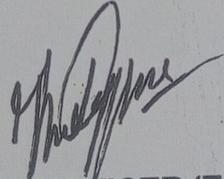

(SHOAIB IQBAL SYED)
SECRETARY
GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
COMPETENT AUTHORITY

Dated Lahore, the
December 10th /2025

No. & Date Even:

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

1. **Director General**, Special Education Punjab, Lahore.
2. **District Accounts Officer**, Layyah.
3. **District Education Officer** (Special Education), D.G Khan.
4. **Accused officer No. 1** / Ms. Nazia Mushtaq, Senior Special Education Teacher (HI Field/BS-17), Govt. Special Education Centre, Karor Lal Eason, District Layyah.
5. **Accused officer No. 2** / Ms. Rehana Ambreen, Senior Teacher (BS-18/Personal), previously posted as District Education Officer (Special Education), D.G. Khan, presently awaiting posting in this department.
6. PS to Secretary Special Education Department.


SECTION OFFICER (ESTT.-I)
SPECIAL EDUCATION DEPARTMENT