



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT

Dated Lahore the 15th May, 2023

ORDER

No. SO(Estt)40-486/2018. Through this order representation filed by Ms. Ayesha Siddiq, Junior Special Education Teacher (HI Field/BS-16), Government Special Education Centre, Gujrat ('representationist') for expunction of adverse remarks recorded in her Performance Evaluation Reports ('PERs') for the period w.e.f. 04.09.2019 to 31.12.2019, 01.01.2020 to 31.12.2020, 01.01.2021 to 31.12.2021 and 01.01.2022 to 27.06.2022 shall be decided.

2. **AND WHEREAS**, facts of the case are that Ms. Anila Khurshid, Speech Therapist / ex-Incharge Headmistress, Government Special Education Centre, Gujrat ('Reporting Officer') recorded the following adverse remarks in Part-I, Part-II & Part-III of the PERs in respect of the representationist for the following periods in her capacity as Reporting Officer:

Sr. No.	Period	Remarks
01	04.09.2019 to 31.12.2019	Part-I <u>Integrity</u> "Honest" Part-II <u>Overall Grading</u> "Average" Part-III <u>Usefulness for Retention / Extension in Service</u> "Useful"
02	01.01.2020 to 31.12.2020	Part-I <u>Integrity</u> "Reported to be Corrupt" Part-II <u>Overall Grading</u> "Below Average" Part-III <u>Usefulness for Retention / Extension in Service</u> "Not Useful"
03	01.01.2021 to 31.12.2021	Part-I <u>Integrity</u> "Reported to be Corrupt" Part-II <u>Overall Grading</u> "Poor" Part-III <u>Usefulness for Retention / Extension in Service</u> "Not Useful"
04	01.01.2022 to 27.06.2022	Part-I <u>Integrity</u> "Believed to be Corrupt" Part-II <u>Overall Grading</u> "Poor" Part-III <u>Usefulness for Retention / Extension in Service</u> "Not Useful"

3. **AND WHEREAS**, the above referred adverse remarks alongwith a copy of PERs were communicated to the representationist vide this Department's letter dated 07.03.2023, for filing representation to the Competent Authority / Secretary Special Education regarding expunction of the said adverse remarks, *if deem necessary*.

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4. **AND WHEREAS**, the representationist filed a representation dated 06.04.2023 with the request to expunge the adverse remarks recorded in her PERs by contending therein that she was appointed in 2018 and posted at Govt. Special Education Centre, Gujrat; that her PERs for the year 2018 and 2019 were written by previous Head of the Centre wherein her performance was assessed to be Good, Very Good; that Ms. Anila Khurshid initiated her PER for the period w.e.f. 04.09.2019 to 31.12.2019 and 01.01.2020 to 31.12.2020 wherein her performance was assessed to be Very Good but later on Ms. Anila Khurshid again initiated PERs for the period w.e.f. 01.01.2020 to 31.12.2020 wherein her performance was assessed to be Average; that she suffered with Covid-19 in late July 2021 and she informed the Headmistress but her medical leave case was not processed and multiple explanations were issued by the Headmistress on said issue but the Department sanctioned medical leave for 29-days (*the period during which she remained in quarantine*) w.e.f. 30.07.2021 to 27.08.2021 without pay but despite that the Headmistress assessed her performance as Poor; that she has always worked honestly, diligently and with complete dedication to the entire satisfaction of her superiors; that no complaint of whatsoever nature was/is pending against her and the adverse remarks recorded by the Reporting Officer are devoid of any justification and grounds.

5. **AND WHEREAS**, the Reporting Officer was directed vide letter dated 09.03.2023 to submit reasons/justifications alongwith documentary evidences for recording adverse remarks in the PERs of the representationist. Accordingly, Reporting Officer submitted reasons/justifications leading to recording of such adverse remarks by stating therein that the representationist remained absent from duty w.e.f. 30.07.2021 to 27.08.2021 without approval and the case was submitted the District Education Officer (Spl. Edu.), Gujranwala for initiation of disciplinary proceedings against her; that conduct of the representationist towards performance of her official duties was unbecoming of an officer; that the representationist misbehaved with her and filed applications against her; that the representationist interfered in the official / administrative matters; that parents of the special children complained against her and subsequent thereto the representationist was given proper counselling but she did not mend her ways and continued to disobey the orders / instruction issued to her.

6. **AND WHEREAS**, in the interest of justice, the representationist was afforded an opportunity of personal hearing on 08.05.2023 in presence of Reporting Officer. PERs record of the representationist was also thoroughly examined in presence of all concerned and it has been observed that PERs of the representationist w.e.f. 23.10.2018 to 31.12.2018 and 01.01.2019 to 03.09.2019 do not contain any adverse entry. The representationist is aggrieved of the remarks recorded in her PERs for the period w.e.f. 04.09.2019 to 31.12.2019, 01.01.2020 to 31.12.2020, 01.01.2021 to 31.12.2021 and 01.01.2022 to 27.06.2022 (*these all PERs are written by same Reporting Officer*), which "adverse remarks" according to her are problematic for her service career and her case of regularization of service was not processed due to said adverse remarks. Whereas, stance of Reporting Officer is that the conduct, performance, attitude towards discharge of official duties and behaviour was the reason for recording adverse remarks. After perusal of adverse remarks and justifications tendered by the Reporting Officer, suffice is to observe that adverse remarks recorded by Reporting Officer are vague and without reference to any particular instance justifying formulation of the opinion, thus, same does not qualify the test of reasonableness.

7. **AND WHEREAS**, it is observed that adverse remarks are meant to indicate the defects or deficiencies in the quality of work or performance or conduct of an employee. Adverse remarks could be deciphered from the words used by the Reporting Officer in remarks and those words might have an impact on the reputation and general image of the officer. From the stance taken by the Reporting Officer it can be inferred that the representationist has been made victim of personal liking and disliking. Analysis of the available record shows that sufficient documentary material was not available against the representationist which could compel the Reporting Officer to record such adverse remarks. The Reporting Officer without any proof has recorded the integrity of the representationist as "reported to be corrupt" and "believed to be corrupt". Needless to state that for a Govt. employee, it is the reputation which holds significance. Good reputation is earned after spending years but the same can be lost in a blink which then never return. Record shows that there was no substantive material available against the representationist questioning

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her integrity and repute. It is also matter of record that recording of adverse remarks in PER requires strong justifiable reasons and the powers of the Reporting Officer are neither unbridled nor unlimited. Admittedly, the adverse remarks recorded in the PERs of the representationist are unreasonable, irrelevant, with extraneous considerations and at the face of it do not substantiate with the record. The Reporting Officer during course of personal hearing admitted that the representationist was punctual and she also performed her duties in befitting manner. She also stated that certain complaints were filed against the representationist by parents of special students but no record was provided by her to substantiate the stance, therefore, in absence of any documentary proof the stance of the Reporting Officer loses its sanctity/credibility. The Reporting Officer was confronted whether she earlier initiated the PERs of the representationist for the period w.e.f. 04.09.2019 to 31.12.2019 and 01.01.2020 to 31.12.2020 wherein performance was assessed as "very good" in both PERs? The Reporting Officer answered in affirmative but could not give justification as why she again initiated PERs for same period. She further asserted in this regard that earlier the matters were going on in good way and she had good administrative relation with representationist but when representationist filed complaints against her, the relations turn sour and this is the reason for recording adverse remarks in subsequent PERs. This assertion of the Reporting Officer is sufficient to arrive at the decision that adverse remarks have been recorded by the Reporting Officer in a revengeful manner because it is matter of record that the representationist had filed applications against Reporting Officer. It is also not discernible from record that any counseling or warning was ever issued to representationist alarming her for the alleged conduct.

8. **NOW, THEREFORE, I, Saima Saeed**, Secretary Special Education / Competent Authority in this case, *for reasons stated herein above*, am of the view that the afore-referred adverse remarks are unjustified, contrary to the record and not sustainable, the available record does not provide basis or direct evidence for recording of such adverse remarks by the Reporting Officer. Therefore, the representation of the representationist for expunction of adverse remarks recorded in her PERs is hereby allowed/accepted. Consequently, impugned adverse remarks recorded in PERs of the representationist for the period w.e.f. 01.01.2020 to 31.12.2020, 01.01.2021 to 31.12.2021 & 01.01.2022 to 27.06.2022 stand expunged and scored out as to render these illegible.

Saima Saeed

(SAIMA SAEED)
SECRETARY

GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
COMPETENT AUTHORITY

Dated Lahore the
May 15th /2023

No. & Date even:

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

1. The Director General, Special Education, Punjab, Lahore.
2. The District Education Officer (Special Education), Gujranwala.
3. Headmaster/Headmistress, Govt. Special Education Centre, Gujrat.
4. Ms. Ayesha Siddiq, JSET (HI Field/BS-16), Govt. Special Education Centre, Gujrat.
5. Ms. Anila Khurshid, Speech Therapist / ex-Incharge Headmistress, Government Special Education Centre, Gujrat.
6. PS to Secretary, Special Education Department.

[Signature]
SECTION OFFICER (ESTT.)