

**ORDER**

No. SO(Estt.)10-429/2011. WHEREAS, disciplinary proceedings were initiated against Mr. Babar Sohail, Headmaster (BS-18) (PD Field), Govt. Special Education Centre, Shorkot, District Jhang (*under transfer and reported to department*) ('**accused officer**') under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 ('**Act**') on the following charges of misconduct and inefficiency vide order dated 16.12.2022 substituted vide order dated 10.01.2023 by appointing Mr. Muhammad Ali Gohar, Principal (BS-19), Government Higher Secondary School of Special Education for Hearing Impaired, Sheikhpura as Inquiry Officer:

- i. *While being posted as Headmaster at Govt. Special Education Centre, Shorkot, District Jhang, the attitude / behaviour of the accused with Ms. Yasmin Jawad, Psychologist (BS-18/ Personal), Govt. Special Education Centre, Shorkot, District Jhang remained very unethical, unprofessional and harassing as he uttered derogatory remarks in front of staff of the centre and forced Ms. Yasmin Jawad to mark her attendance in the register of class IV employees.*
- ii. *Due to inefficiency of the accused, payment of stipend to the special children for last 02 years could not be made and the accused misbehaved with parents of special children on enquiring the reasons for non-payment of stipend.*
- iii. *The accused was residing in the premises of centre, since the date of his posting, without prior permission of Competent Authority and without deduction of monthly house rent allowance as well as conveyance allowance.*
- iv. *During the tenure of accused at Govt. Special Education Centre, Shorkot, District Jhang, the air conditioner of the centre remained functional even after office hours and it was used for personal use of the accused.*

2. **AND WHEREAS**, the Inquiry Officer conducted the inquiry into the above-mentioned charges and submitted report, wherein the Inquiry Officer concluded that all the charges stand fully proved against the accused officer and it was recommended that major penalties of "*Reduction to a lower post & pay scale from the substantive post for a period of 3 years under section 4(1)(b)(ii) of the PEEDA Act, 2006*" and "*recovery of house rent and conveyance allowance w.e.f. 25.01.2021 to 31.08.2022*" may be imposed upon the accused officer.

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 Act *ibid* directing him to submit his additional defence, *if any*, and to appear for personal hearing on 10.04.2023. The Departmental Representative was also directed to appear on the said date alongwith record in terms of Section 13(4)(e) of the Act *ibid*.

4. **AND WHEREAS**, the accused officer and Departmental Representative appeared on the fixed date and the accused officer submitted additional defense reply. During the course of personal hearing, the accused officer while reiterating the stance already taken by him during inquiry proceedings stated that nothing adverse was found against him which could connect him with commission of the charges levelled against him and the recommendations of the Inquiry Officer are contrary to the record. Lastly, he requested that all the charges are baseless and devoid of merit, therefore, he may be exonerated from the charges.

5. **AND WHEREAS**, during the course of personal hearing the Departmental Representative apprised regarding the facts of the case and, *inter alia*, stated that record related to the charges was provided to the accused officer and inquiry proceedings have been conducted by the Inquiry Officer in accordance with the provisions of the Act *ibid*, statements of all concerned were recorded. The Departmental Representative further stated that all charges stood proved against the accused officer and the penalties proposed by the Inquiry Officer commensurates with the guilt of accused officer and gravity of the charges that stood fully proved.

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6. **AND WHEREAS**, after hearing the accused officer, Departmental Representative, examining the additional defence of the accused officer and documents annexed therewith, considering the material related to the case available in shape of inquiry report and keeping in view the findings and recommendations of the Inquiry Officer, it has been observed that inquiry proceedings have been conducted by the Inquiry Officer in accordance with the provisions of the Act *ibid*, merits of the case have been duly appreciated and due process as provided under the law has been adopted by the Inquiry Officer. It has further been observed that as per findings of Inquiry Officer all the charges levelled against the accused officer stood fully proved. Perusal of record annexed with the inquiry report depicts that findings of the Inquiry Officer are based on record and no exception can be taken from that. It has further been observed that during the course of personal hearing the accused officer failed to disprove the veracity of the findings and recommendations of the Inquiry Officer. Moreover, there exist sufficient incriminating documentary evidence which connect the accused officer with commission of charges levelled against him. It has further been observed that during the course of personal hearing, no new and plausible piece of evidence has been brought on record by the accused officer to rebut the evidence already available on record and no such kind of fresh evidence has been produced by the accused officer which could prove that the charges levelled against the accused officer are false and contrary to the record. It has further been observed that the penalty recommended by the Inquiry Officer commensurates with gravity of guilt of the accused officer.

7. **AND WHEREAS**, perusal of record shows that the accused officer has been working as Headmaster (BS-18) since 2021 and he had been working in Special Education Department for last 12 years but despite his vast experience as Headmaster, he has failed to perform his duties in a befitting manner for the welfare and well-being of special students. Non-provision of stipend to special students is grave inefficiency and nothing less than depriving special children of their legitimate rights, during the course of inquiry, it was proved that stipend for the period of 06 months from August 2021 to January 2022 amounting to Rs. 477400/- was drawn by the accused officer but he only distributed Rs. 59600/- and no record of disbursement of remaining amount was available in the Centre. Suffice is to observe here that during course of hearing the accused officer was directed to place on record bank statement of the Centre showing disbursement of stipend but he failed to do so. Furthermore, as *established during course of inquiry*, the attitude / behaviour of the accused officer with Ms. Yasmin Jawad remained unethical, unprofessional, irrational and whimsical and he uttered derogatory remarks and called her with different disrespectful names in front of staff of the Centre which shows that conduct of the accused officer is unbecoming of an officer. It was also established during course of inquiry that the accused officer was residing within the premises of the Centre illegally which tantamounts to grave misconduct and it cannot be let unnoticed. The accused officer during course of personal hearing failed to rebut the findings of the Inquiry Officer in this regard. It is further observed that the Inquiry Officer thoroughly evaluated the electricity bills of the Centre and while concluding the findings pertaining to said charge, he observed that great fluctuations were found in the bills and even during the month of July, 2022, *when Summer Vacations had already commenced*, the electricity bill of the Centre was Rs. 38328/- which *prima facie* shows that air conditioner of the Centre remained functional and it was used for personal use of the accused officer.

8. **AND WHEREAS**, perusal of record shows that the accused officer in additional defense reply filed by him during course of personal hearing took plea that Inquiry Officer has not given any finding regarding unauthorized absence of Ms. Yasmin Jawad for 12 days, despite presentation of evidence by him in this regard; that Inquiry Officer is liable to be proceeded against under Rule 16(3) and (4) of Civil Servant (Efficiency and Discipline) Rules, 2020 on account of non-observance of due process as provided under the law; that application on the basis of which inquiry has been initiated was anonymous; that the Inquiry Officer has added additional charges in violation of law; that Inquiry Officer was biased. Suffice is to state that all the grounds taken by the accused officer in his additional defense reply are not sustainable being inconsistent and misconceived. It is observed that accused officer has stated facts in his additional defense reply which are irrelevant to the charges levelled against him. Moreover, in the order of inquiry no charge was framed regarding absence of Ms. Yasmin Jawad, therefore, Inquiry Officer was not under legal obligation to comment upon that and to give any finding in that regard. It is matter of record that the accused officer has been proceeded against under the PEEDA Act, 2006 therefore, provisions of Civil Servant (Efficiency and Discipline) Rules, 2020 are not applicable in this case. The stance of accused officer is also negated on the ground that the inquiry has been conducted in accordance with the provisions of the PEEDA Act, 2006. As far as stance of the

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accused officer that application on which inquiry has been initiated was anonymous and no proceedings could be initiated on said application, is concerned, it is observed that Section 5(1) of the PEEDA Act, 2006 provides that if on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against an employee under this Act, it shall proceed itself against the accused. In light of Section 5(1) of the PEEDA Act, 2006, the stance of accused officer does not merit consideration. The accused officer also took a stance that Inquiry Officer has added additional charge in the inquiry report, needless to state in this regard that stance of the accused officer is contrary to the record, perusal of record shows that the Inquiry Officer has given findings on the charges framed in the order of inquiry and no new charge has been framed/added by the Inquiry Officer, therefore, stance of the accused officer is spurned. The accused officer also took a stance regarding conduct of Inquiry Officer and stated that his attitude was biased, it is observed in this regard that when the order of inquiry was substituted vide order dated 10.01.2023 and Mr. Muhammad Ali Gohar was appointed as Inquiry Officer, the accused officer did not file any application for change of Inquiry Officer. Perusal of stance of the accused officer reveals that the accused officer has tried to argue that an Inquiry Officer is good, honest, competent, hardworking and upright only if he conducts the inquiry proceedings in favour of accused otherwise, he is biased, dishonest and having connivance with others. Furthermore, it is observed that the Inquiry Officer is working in Special Education Department and the allegations levelled against the Inquiry Officer are devoid of any logical reasoning. The allegations of biasness and personal grudge against the Inquiry Officer levelled by the accused officer are without any documentary proof.

9. **NOW THEREFORE, I, Saima Saeed**, 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 Officer, *for reasons stated herein above*, am of the considered view that all the charges of misconduct and inefficiency stand proved against the accused officer and the penalty recommended by the Inquiry officer commensurates with gravity of guilt of the accused officer. Therefore, in exercise of powers vested in me under Section 13(5) read with Section 4 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006, *while agreeing with the recommendations of the Inquiry Officer*, following penalties are hereby imposed upon the accused officer;

- i. **Major penalty of "reduction to a lower post & pay scale from the substantive post for a period of 3 years" under section 4(1)(b)(ii) of the PEEDA Act, 2006; and**
- ii. **Major penalty of "recovery of house rent and conveyance allowance w.e.f. 25.01.2021 to 31.08.2022 from the pay" under Section 4(1)(b)(i) of the PEEDA Act, 2006.**

  
(SAIMA SAEED)

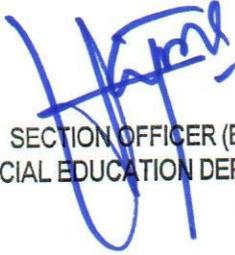
SECRETARY SPECIAL EDUCATION /  
COMPETENT AUTHORITY

Dated Lahore, the  
May 15<sup>th</sup>/2023

**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. District Accounts Officer, Jhang.
4. District Education Officer (Special Education) Faisalabad to ensure delivery of this order to the accused officer and implementation of the penalties under intimation to this department.
5. Accused Officer concerned / **Mr. Babar Sohail**, Headmaster (BS-18) (PD Field), Govt. Special Education Centre, Shorkot, District Jhang (*under transfer and reported to department*).
6. PS to Secretary Special Education Department.
7. Master file.

  
SECTION OFFICER (ESTT.)  
SPECIAL EDUCATION DEPARTMENT