



ORDER

SO(Estt)1-112/2005: **WHEREAS**, Director (Admn.), Directorate General of Special Education Punjab forwarded a visit report conducted by District Education Officer (Spl. Edu), Lahore on 08.08.2023 wherein he informed that **Ms. Nabila Shahzadi**, Senior Special Education Teacher (H.I Field / BS-17), Incharge Headmistress, Govt. Special Education Centre, Safdarabad (**'accused officer'**) was absent from duty without prior permission / approval. Albeit, attendance was marked on the attendance register. During the inspection, it was also observed that she had not marked her presence on the Bio-Metric machine since 05.06.2023. It was also noted by the visiting officer that the building's hygiene was deplorable, with cobwebs clinging to the walls, windows, furniture. The first floor of the building was discovered to be completely dusty and dirty as the same was also noticed on the pervious surprise visit on 30.05.2023. The students' furniture was not clean even lawn was not properly maintained and non-essential sprouts were grown in lawn & around the building. It was further highlighted that the Bio-metric machine of the centre was not functional and kept in almirah which indicated that no officer / official was marking attendance on machine. During the visit, when Mr. Tayyab Latif, Junior Clerk of the center, was directed to provide past recordings of CCTV cameras to check the operation of the DVR, he informed that the DVR was out of order and that no previous video records were available. These acts show her inefficiency and negligence in carrying out official obligations and it also demonstrates her incompetency and inability to run administrative matters.

2. **AND WHEREAS**, keeping in view the inefficiency and negligence as depicted from the visit report, severity of the matter involved and in view of availability of sufficient documentary evidence on record, *while dispensing regular inquiry*, disciplinary proceedings were initiated against the accused officer vide Show Cause Notice dated 20.09.2023 under Section 7(b) read with Section 5(1)(a) of the PEEDA Act, 2006 (**'Act'**) on the following charges of inefficiency and misconduct:

- i. ***Your performance as Headmistress, Govt. Special Education Centre Safdarabad, district Sheikhupura is found to be unsatisfactory as you consistently displayed inefficient and negligent behavior in carrying out your official responsibilities and managing the center's administrative issues. On 08.08.2023, District Education Officer (Spl. Edu.), Lahore visited your centre and you were found absent from duty without prior permission but as per attendance register your attendance was marked which prima facie shows that someone else marked your attendance.***

Lamina Saeed

Laino Saad

- ii. *During the inspection on 08.08.2023, it was also found that you had not marked your attendance on the Bio-Metric machine since 05.06.2023. The Bio-metric machine was found to be out of order and kept in almirah which manifestly shows that in sheer violations of instructions issued from time to time regarding marking of attendance on Bio-Matric machine, no officer/official was marking attendance on Bio Matric machine.*
- iii. *Due to your inefficiency, negligent behavior and weak administrative control, on the day of visit, cleanliness condition of the school was found pathetic with cobwebs clinging to the walls, windows, furniture. The first floor of the building was discovered to be completely dusty and dirty as the same was also noticed on the pervious surprise visit on 30.05.2023. Even the lawn was not well kept, and non-essential sprouts were grown in the lawn and around the building. The students' furniture was also not clean.*
- iv. *During the visit, when Mr. Tayyab Latif, Junior Clerk of your center, was asked to provide past recordings of CCTV cameras to check the operation of the DVR, he informed that the DVR was out of order and no previous video records were available.*
- v. *By dint of above acts, it is established that your conduct towards performance of your official duties remained highly prejudicial to good service discipline, unbecoming of an officer and tantamounts to inefficiency and gross misconduct.*

3. **AND WHEREAS**, through the above said Show Cause Notice, the accused officer was directed to submit her written reply within 07-days. Accordingly, she filed written reply which was examined and found unsatisfactory. Therefore, in order to finalize the disciplinary proceedings, the accused officer was afforded an opportunity of personal hearing under Section 7(d) of the Act *ibid* and for said purpose vide letter dated 10.10.2023, she was directed to appear before **Deputy Secretary Special Education** / Hearing Officer appointed under Section 7(d) of the Act *ibid* on 19.10.2023.

4. **AND WHEREAS**, the Hearing Officer after affording opportunities of personal hearing to the accused officer, submitted report of hearing proceedings concluding therein that charge No. 1 levelled against the accused officer stands partially proved. Whereas, charge No. 2 to 5 stand fully proved. The Hearing Officer after perusing the record of the case with regards to charge No. 1 observed that it is admitted position that the accused officer was not present in the Centre at the time of visit but alongwith the written reply, the accused officer has attached screen shot of message sent to District Education Officer (Special Education), Lahore through which the accused officer tried to substantiate that she applied for short leave due to sudden death of her near relative. The fact related to sending of message containing request for short leave by the accused officer was confirmed by the then DEO. The accused officer

in order to further substantiate her stance has annexed copy of leave application alongwith written reply and postal receipt, the said application for grant of short leave, as per the stance of present DEO, was never received in her office. Moreover, the postal receipt was also found to be not related to the accused officer. The Hearing Officer further observed that the accused officer has thrown a punch above her height but while doing so she forgot that submitting documents with intention to mislead the authority may attract penal consequences. The Hearing Officer concluded that the factum of absence and intimation has been cross verified, therefore, the accused officer was on leave which was though not approved by the authority concerned. Hence, the charge is partially proved.

Saina Saed

5. **AND WHEREAS**, the Hearing Officer with regards to charge No. 2, after examining the record, observed that the stance taken by the accused officer to defend this charge is fallacious and does not merit consideration for more than one reason. Reply of the accused officer shows that she is mindful of the fact that it is first and foremost duty of the head of the Centre to ensure presence of all the teaching and non-teaching staff. But it has also been admitted that biometric machine was out of order. The rationale proffered by the accused officer lacks substantive merit and appears to be an unsubstantiated narrative. There is an absence of documented evidence to suggest that the accused officer communicated to the District Education Officer (DEO) regarding the non-functionality of the biometric machine or made any formal requests for funds to facilitate its repair. The accused officer, in her written and additional replies, has referenced purported letters addressed to the Chief Executive Officer (CEO), Deputy Commissioner (DC), and DEO, asserting requests for funds to repair the biometric machine. However, the DEO has contested this assertion, maintaining that no such requests from the accused officer were ever received in her office. The Hearing Officer noted that the accused officer has adopted a defensive position, citing irrelevant documents in an attempt to obscure her omissions. Additionally, the Hearing Officer observed that the accused officer, in her response, sought to absolve herself of responsibility by attributing the non-maintenance of the biometric machine to a lack of funds. The Hearing Officer deemed this argument as simplistic and unreasonable, ultimately concluding that the charge against the accused officer has been substantiated.

6. **AND WHEREAS**, the Hearing Officer with regards to charge No. 3 observed that the justification accorded by the accused officer in reply to this charge is nothing more than a story built to cover-up the gaps. It was observed by the DEO on the day of visit that cleanliness condition of the Centre was not up to the mark. During course of the hearing, it was also not denied by the accused officer that after the visit made in May 2023, she assured that she will take pre-emptive/corrective measures to make the cleanliness condition of the Centre better and upon her assurance the explanation called was converted into warning and no disciplinary proceedings were recommended. The careless and causal attitude of the accused officer towards the cleanliness condition of the Centre as highlighted by the DEO shows that the accused officer takes things in very causal manner and considered herself not responsible for anything. The Hearing Officer further observed that even otherwise, perusal of reply of

the accused officer sufficiently proves that the accused officer has admitted the charge. It is further observed that the accused officer failed to give any plausible justification to rebut the charge.

7. **AND WHEREAS**, the Hearing Officer with regards to charge No. 4 observed that the accused officer in her reply to this charge has stated that "as per reply in para supra mentioned para no. (ii) the DVR as well as CCTV cameras could not be got repaired due to non-releasing of sufficient budget in last / current financial year." The reply of the accused officer shows that the charge is based on facts and the same is proved. The CCTV cameras of the Centre were non-functional which could be high security risk for the students and staff of the Centre but the accused officer being in-charge and supervisory officer failed to report the same to higher authority. This state of affairs shows lack of interest of the accused officer towards performance of her duties.

8. **AND WHEREAS**, the Hearing Officer, in relation to Charge No. 5, noted that due to the seriousness of the proven charges related to misconduct and inefficiency against the accused officer, her conduct in the performance of official duties is significantly detrimental to the standards of good service discipline and is deemed unbecoming of an officer.

9. **AND WHEREAS**, after having considered all aspects and material related to the case, written reply and additional reply of the accused officer with documents annexed therewith and report of Hearing Officer, it has been noticed that the accused officer has failed to present compelling, persuasive, and confidence-inspiring evidence to support her position and counter the charges. After consulting the record, I am inclined to observe that no circumstances extenuating in nature exist in favour of the accused officer through which it can be deduced that conduct of the accused officer is not prejudicial to good order or service discipline. Furthermore, it is observed that the position adopted by the accused officer in her written reply and additional reply is inherently flawed, lacking logical reasoning. Moreover, her stance is characterized by vagueness and appears to be a retrospective consideration rather than a well-founded response. Additionally, it is noted that the current predicament faced by the accused officer is solely attributable to her own actions, no one else is accountable for the situation in which she finds herself today. Summarily, charge No. 1, concerning absence from duty, is partially substantiated, and it has come to attention that the accused officer submitted irrelevant documents in her defense. On the other hand, charge No. 2 to 5, which relate to inefficiency and misconduct, are fully substantiated and proven against the accused officer. It is not out of place to observe that the accused officer has not contested the fact that the biometric machine at the Center was non-functional, stored in an almirah, and attendance was not being marked on the said machine. The accused officer also did not contest the absence of the DVR for the CCTV cameras, and she did not dispute the unfavorable cleanliness conditions highlighted by the District Education Officer (DEO) in his report. The DEO's depiction of the cleanliness status at the Centre as hazardous and unsatisfactory is supported by the record. A wade of the record reveals that the then DEO had previously visited the accused officer's Center, and upon noting the subpar cleanliness conditions, an explanation was served upon the accused officer and upon her assurance to improve the Centre's condition the same culminated into issuance of a warning. But despite the accused officer's assurances, the cleanliness standards were not maintained, indicating her inefficiency and serious misconduct.

Saima Saheed

10. **NOW THEREFORE**, I, **Saima Saeed**, Secretary Special Education / Competent Authority in the instant case, *for reasons recorded herein above*, am of the considered view that the accused officer's conduct in the execution of her official duties has remained detrimental to good service discipline and constitutes gross misconduct. Given the severity of the proven charge, in exercise of powers vested upon me under the Section 7(f) read with Section 4 of the Act *ibid*, minor penalty of "**withholding of increment for a period of three years**" in terms of Section 4(1)(a)(ii) is hereby imposed upon the accused officer.



(SAIMA SAEED)

SECRETARY to

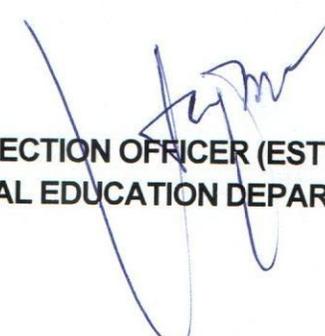
GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
COMPETENT AUTHORITY

Dated Lahore, the
January 15th /2024

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 Education Officer (Special Education), Lahore.
4. Headmaster / Headmistress, Govt. Special Education Centre, Safdarabad to ensure delivery of this order to the accused officer at her residential and official address through all possible means including email at her official email address under intimation to this Department.
5. PS to Secretary Special Education Department, Lahore.
6. Statistical Officer, Directorate General of Special Education, Punjab, Lahore.
7. Accused officer concerned / **Ms. Nabila Shahzadi**, Senior Special Education Teacher (H.I Field / BS-17), Incharge Headmistress, Govt. Special Education Centre, Safdarabad.



SECTION OFFICER (ESTT.)
SPECIAL EDUCATION DEPARTMENT