

**ORDER**

No.SO(Estt)33-95/2022. WHEREAS, Mr. Asad Rehman, ex-Assistant (BS-16), Govt. Training College for the Teachers of Blind, Lahore (contract employee) submitted his request to **Mr. Muhammad Akram Sabir**, Lecturer (VI Field/BS-18/Personal)/ Incharge Principal, Govt. Training College for the Teachers of Blind, Lahore ('**accused officer**') on 10.03.2023 for relieving from the post of Assistant (BS-16) for joining his new posting as Custom Inspector / Intelligence Officer (BS-16) in Pakistan Customs, Federal Board of Revenue. Upon receipt of his request, the accused officer forwarded the same to Directorate General of Special Education, Punjab vide letter dated 22-03-2022 for further necessary action. After submitting application, Mr. Asad Rehman remained working on his post till 27-04-2023 i.e., more than one month from submission of his application for relieving. On 27-04-2023, Mr. Asad Rehman ex-Assistant submitted another application for relieving from Govt. Training College for the Teachers of Blind, Lahore and also submitted his relieving report for countersigning the same before the accused officer. The accused officer signed his charge relinquishment report, and issued no audit para and no demand certificates which resulted into unauthorized relieving of Mr. Asad Rehman.

2. **AND WHEREAS**, the acts of the accused officer being contrary to the Contract Appointment Policy, 2004 and being misuse / abuse of authority / exercise of authority not vested with him, warranted disciplinary proceedings against him, therefore, keeping in view availability of sufficient documentary evidence on record, Secretary Special Education being Competent Authority, *while dispensing regular inquiry*, initiated disciplinary proceedings against the accused officer vide Show Cause Notice dated 13.06.2023 under Section 7(b) read with Section 5(1)(a) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 ('**Act**') on the following charges of misconduct:

- i. In excessive misuse/abuse of authority, you signed the charge relinquish report of Mr. Asad Rehman, Assistant (BS-16), Govt. Training College for the Teachers of Blind, Lahore on 27.04.2023 before acceptance/approval of his request for termination of contract / request for relieving from the department by the Competent Authority.
- ii. In violation of Contract Appointment Policy, 2004 you issued No Audit Para and No Demand Certificate in respect of Mr. Asad Rehman, Assistant (BS-16), Govt. Training College for the Teachers of Blind, Lahore on 24.05.2023, whereas, in case of acceptance of request of termination of contract Mr. Asad Rehman was required to deposit one month's salary in lieu of one month notice.

3. **AND WHEREAS**, through the above said Show Cause Notice, the accused officer was directed to submit his defence reply within 07-days. Accordingly, the accused officer filed written reply on 19.06.2023. The reply of the accused officer was examined and found unsatisfactory, hence, in order to finalize the disciplinary proceedings, vide letter dated 05.07.2023, Additional Secretary, Special Education was appointed Hearing Officer, *under Section 7 (d) of the Act ibid*, to afford an opportunity of personal hearing to the accused officer and the accused officer was directed to appear before the Hearing Officer on 18.07.2023 for hearing proceedings.

4. **AND WHEREAS**, the Hearing Officer after affording opportunity of personal hearing to the accused officer, submitted report of hearing proceedings stating therein that the accused officer appeared on the 18.07.2023 and the hearing proceedings were conducted as per provisions of the Act *ibid*. The Hearing Officer further stated that during the course of hearing, the accused officer while reiterating the stance already taken by him in written defence stated that he can never think to exercise any authority which is not vested with him; that he was under presumption that Mr. Asad Rehman being a gazetted employee had to relieve himself, hence, he only signed charge relinquish report and did not issue any relieving order. Lastly, he requested that he may be exonerated from the charges.

5. **AND WHEREAS**, after hearing the accused officer, examining the written defence of the accused officer and documents annexed therewith and considering the material related to the case, the Hearing Officer observed as under;

"It is admitted position that Mr. Asad Rehman was a contract employee and upon his selection against another post, he filed an application dated 10.03.2023 for relieving which was forwarded by the accused officer to Directorate General of Special Education, Punjab, Lahore vide letter dated 22.03.2023. DG (SE) raised certain objections vide letter dated 10.04.2023 which were responded by the accused officer vide letter dated 12.04.2023. It is pertinent to highlight that Mr. Asad Rehman continued to perform his duties during said period.

As per Contract Appointment Policy, 2004, in case of acceptance of request for termination of contract, one month notice or one month's pay in lieu of notice is required. In this instant case, record is very much clear that Mr. Asad Rehman tendered his request on 10.03.2023 and thereafter, performed duties for more than one month, therefore, charge No.2 remained unproved.

Now adverting to charge No.1, it has been observed and established by record that the accused officer before acceptance / approval of request of Mr. Asad Rehman for termination of his contract by the Competent Authority signed his charge relinquish report by assuming and exercising authority which was not vested with him. This fact is also admitted by the accused officer in his written defence reply in following terms:

"On 27-04-2023, Mr. Asad Rehman Ex-Assistant submitted another application for relieving from Govt. Training College for the Teachers of Blind, Lahore and also submitted his relieving report for countersigning the same before the undersigned. On the understanding that Mr. Asad Rehman being a gazetted employee himself had to relieve the post, signed his charge relinquished report."

Perusal of above extract of reply of accused officer shows that his understanding was based on misconception. But at the same time, it is observed that the omission of the accused officer is not an outcome of mala fide intention rather based on bona fide. Hence, charge No.1 stood partially proved against him."

6. **AND WHEREAS**, examination of written response submitted by the accused officer and the conclusions drawn by the Hearing Officer in report, along with the record that is available on file, reveals that indeed understanding of the accused officer was erroneous. However, the record also shows that the accused officer's omission was not motivated by malice and that no ill will can be attributed to him. But it is also proved through record that the accused officer exercised authority which was not vested to him and consequent thereto, before issuance of relieving order, he signed charge relinquishment report, hence, charge No.1 stands partially proved. It is further noted that admittedly Mr. Asad Rehman was a contract employee and upon his selection against another post, he filed an application dated 10.03.2023 for relieving. The accused officer conveyed this request to the Directorate General of Special Education, Punjab, Lahore vide letter dated 22.03.2023. Number of concerns were voiced by DGSE vide letter dated 10.04.2023 which were duly responded to by the accused officer vide letter dated 12.04.2023. According to record, Mr. Asad Rehman performed duty during said period. Clause 3(XVII)(iii) of Contract Appointment Policy, 2004 provides that in the event of acceptance of request for termination of contract, one month notice or one month's pay in lieu of notice is needed. Since, Mr. Asad Rehman tendered his request for termination of contract on 10.03.2023 and thereafter, performed duties for more than one month, hence, requirements of Contract Appointment Policy, 2004 were met and no harm/loss to Government ex-chequer was caused.

7. **NOW THEREFORE**, I, **Saima Saeed**, Secretary Special Education / Competent Authority in the instant case, after having considered all the aspects and material relating to the case, *for reasons recorded herein above*, in exercise of powers vested upon me under Section 7(f) read with Section 4 of the Act *ibid* do hereby impose minor penalty of "**Censure**" in terms of Section 4(1)(a)(i) upon the accused officer.

Saima Saeed
(SAIMA SAEED)
SECRETARY to

GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
COMPETENT AUTHORITY

Dated Lahore, the
August, 03th 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 Education Officer (Special Education) Lahore.
4. Accused Officer concerned / **Mr. Muhammad Akram Sabir**, Lecturer (VI Field/BS-18/Personal)/ Incharge Principal, Govt. Training College for the Teachers of Blind, Lahore.
5. PS to Secretary Special Education Department.
6. Master file.

[Signature]
SECTION OFFICER (ESTT.)
SPECIAL EDUCATION DEPARTMENT