

**PENALTY ORDER**

No. SO(Estt)10-741/2016: WHEREAS, disciplinary proceedings under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 (the PEEDA Act, 2006) were initiated against Ms. Nida Rafaqat, Speech Therapist (BS-17), formerly posted at Government Special Education Centre, Layyah presently posted at Govt. Special Education Centre, Abdul Hakeem, District Khanewal and Ms. Nazia Mushtaq, Senior Special Education Teacher (HI Field/BS-17), formerly Incharge Headmistress, Government Special Education Centre, Layyah, presently posted at Govt. Special Education Centre, Karor Lal Eason, District Layyah (hereinafter collectively referred to as the "accused officers"), on the charges of misconduct and inefficiency as set out in Order of Inquiry dated 31.07.2023.

2. AND WHEREAS, the Inquiry Officer after conducting the inquiry proceedings submitted inquiry report, wherein the Inquiry Officer recommended imposition of penalties upon the accused officers. Where-after, Show Cause cum Personal Hearing Notice under Section 13(4) of the PEEDA Act, 2006 was issued to the accused officers directing them 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 officers 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, *de novo* disciplinary proceedings were initiated against the accused officers under Section 13(6) of the PEEDA Act, 2006 vide order dated 24.09.2024 (*substituted vide Order dated 04.07.2025*) by appointing an Inquiry Officer to proceed against the accused officers in terms of Section 5 read with Section 9 of the Act *ibid* on the following charges of inefficiency and misconduct;

CHARGE AGAINST MS. NIDA RAFAQAT

Ms. Nida Rafaqat, Speech Therapist (BS-17) often remains absent from duty and marks her bogus attendance with active connivance of Ms. Nazia Mushtaq, SSET (HI Field/BS-17) / Incharge Headmistress, Govt. Special Education Centre, Layyah. She also remained absent for 13 days w.e.f. 03-04-2023 to 11-04-2023 (09-days) & 26-04-2023 to 29-04-2023 (04-days) without prior permission / approval of leave.

CHARGES AGAINST MS. NAZIA MUSHTAQ

- i. Ms. Nazia Mushtaq, SSET (HI Field/BS-17) with mala fide intention aids Ms. Nida Rafaqat, Speech Therapist (BS-17) to mark her bogus attendance as Ms. Nida Rafaqat is habitual leave hunter and she often remain absent from duty. Ms. Nida Rafaqat remained absent for 13 days w.e.f. 03-04-2023 to 11-04-2023 (09-days) & 26-04-2023 to 29-04-2023 (04-days) but Ms. Nazia Mushtaq marked her bogus attendance.
- ii. Ms. Nazia Mushtaq, SSET (HI Field/BS-17) often remains absent from duty without prior permission / approval of leave and marks her bogus attendance.

- iii. Ms. Nazia Mushtaq, SSET (HI Field/BS-17) deliberately and with mala fide intentions keeps Bio-metric machine dysfunctional and submits wrong status of bio-metric machine.
- iv. Due to inefficiency of Ms. Nazia Mushtaq, SSET (HI Field/BS-17), the amount of stipend to be distributed amongst Special Students of the Centre was never paid in full and the amount so drawn for said purpose was embezzled.
- v. Due to inefficiency of Ms. Nazia Mushtaq, SSET (HI Field/BS-17), the uniform is not distributed amongst the students as per policy of the Special Education Department.
- vi. Due to loose administrative control of Ms. Nazia Mushtaq, SSET (HI Field/BS-17), attendance register of the Centre was kept in the custody of Chowkidar instead of Headmistress or Clerk.
- vii. The behaviour of Ms. Nazia Mushtaq, SSET (HI Field/BS-17) with staff of the Centre was very rude. She often misbehaved with the staff and she also threatens them to record adverse remarks in their PER(s) if they raise any objection on her acts. Ms. Nazia Mushtaq, SSET (HI Field/BS-17) also used rough language with the students as well as with their parents of special students. Moreover, parents-teachers meeting was not conducted for several months.
- viii. Students of the centre were on leave w.e.f. 18.03.2023 to 31.03.2023 but Ms. Nazia Mushtaq, SSET (HI Field/BS-17) forced the staff of the centre to mark the attendance of the students as well as buses of the Centre were shown as operational during this period and fuel amount has been embezzled.
- ix. Despite purchasing sports items / articles, the same were never handed over to Instructor Physical Education.

4. **AND WHEREAS**, in pursuance of the order of inquiry, regular inquiry proceedings were conducted by the Inquiry Officer in accordance with the provisions of the PEEDA Act, 2006. The Inquiry Officer examined the available record, written replies of the accused officers and statements/examination material pertaining to the allegations and, upon conclusion of the proceedings, submitted the inquiry report containing findings on the charges and recommendations regarding the penalties to be imposed. The Inquiry Officer found the charge against Ms. Nida Rafaqat partially proved, particularly to the extent of six days' unauthorized absence, whereas Charge Nos. 1, 3 and 7 against Ms. Nazia Mushtaq were found fully proved.

5. **AND WHEREAS**, the Inquiry Officer recommended that Ms. Nida Rafaqat be awarded the minor penalty of fine not exceeding basic pay of one month under Section 4(1)(a)(iii) of the PEEDA Act, 2006, along with recovery of pay for six days' absence, amounting to Rs.21,738/-; and that Ms. Nazia Mushtaq be awarded the minor penalty of withholding of two increments for a period of five years under Section 4(1)(a)(ii) of the PEEDA Act, 2006.

6. **AND WHEREAS**, before arriving at a final decision, Show Cause cum Personal Hearing Notice dated 29.06.2026 under Section 13(4) of the PEEDA Act, 2006 was issued to the accused officers, thereby affording the accused officers an opportunity to show cause against the proposed action and to submit any additional defence in support of their case. The accused officers were also afforded personal hearing on 09.07.2026 and again on 05.08.2026. The accused officers filed additional defense reply. Both accused officers

appeared on the dates fixed and reiterated the stance already taken by them during the inquiry proceedings and in their respective additional defence replies.

7. **AND WHEREAS**, Ms. Nazia Mushtaq also sought provision of the inquiry report and relevant record. The inquiry report, along with the complete record, was accordingly provided to her, thereby ensuring that she had full knowledge of the material relied upon for determination of the disciplinary proceedings.

8. **AND WHEREAS**, I have carefully examined the entire record of the proceedings, including the order of inquiry, charges, inquiry report, documentary material, statements/examination material, written replies, additional defence replies, the submissions made during personal hearings and the recommendations of the Inquiry Officer. I have also independently considered the defence advanced by each accused officer and have not treated the findings of the Inquiry Officer as conclusive merely by reason of their being recommendations.

9. **AND WHEREAS**, the defence advanced by the accused officers essentially consists of denial of the allegations, objections regarding the manner in which the inquiry was conducted, challenges to the evidentiary value of the material relied upon by the Inquiry Officer and requests for exoneration. However, upon independent examination of the record, these objections do not satisfactorily dislodge the material findings recorded by the Inquiry Officer. The record contains material which, when considered cumulatively, establishes the misconduct attributed to the accused officers to the extent found proved in the inquiry report.

10. **AND WHEREAS**, the charge against Ms. Nida Rafaqat is partially proved from the record. The Inquiry Officer, *after examining the defence of the accused officer and the available material*, found that she had remained absent during the period in question, although her leave for 03.04.2023 to 08.04.2023 was acknowledged/approved by the Incharge Headmistress. The Inquiry Officer consequently did not hold the entire period of 13 days as unauthorized absence and confined the proved absence to six days, i.e., 10.04.2023 to 11.04.2023 and 26.04.2023 to 29.04.2023. The record further shows that Ms. Nazia Mushtaq herself confirmed that Ms. Nida Rafaqat was on leave from 03.04.2023 to 08.04.2023, while the attendance record was subsequently altered to reflect casual leave. The defence of Ms. Nida Rafaqat, therefore, succeeds only to the extent recognized by the Inquiry Officer. Her plea cannot justify the remaining six days of absence, for which no satisfactory documentary justification was produced. The Inquiry Officer's finding is based upon a conscious distinction between the period supported by the available material and the period remaining unexplained, and is accordingly found well-founded. Accordingly, the charge against Ms. Nida Rafaqat is held proved to the extent of six days' unauthorized absence. The same constitutes misconduct warranting appropriate disciplinary action. The recommendation of the Inquiry Officer for recovery of Rs.21,738/- representing pay for the said six days is found proportionate to the misconduct established on record. But the penalty of fine equal to one month's basic pay under Section 4(1)(a)(iii) of the PEEDA Act, 2006, is not found proportionate, hence warrant modification.

11. **AND WHEREAS**, so far as Ms. Nazia Mushtaq is concerned, the Inquiry Officer found Charge Nos. 1, 3 and 7 fully proved. The findings concern, *inter alia*, her role in facilitating the attendance irregularities of Ms. Nida Rafaqat, deliberate interference with the biometric attendance mechanism and conduct towards staff. The Inquiry Officer, after examining the material available on record, recommended withholding of 2 increments for a period of 5 years. The defence of Ms. Nazia Mushtaq principally seeks to impeach the credibility of the material relied upon during the inquiry and raises objections regarding the recording and appreciation of evidence. However, the inquiry record reflects that examination statements of the relevant staff were recorded and that the accused officer appeared before the Inquiry Officer, while the proceedings also contained examination/cross-examination

material. The objections raised by her, therefore, do not furnish sufficient lawful basis for discarding the findings recorded by the Inquiry Officer, particularly when the findings have been reached upon cumulative appreciation of the available material.

12. **AND WHEREAS**, the charge No. 1 stands proved against Ms. Nazia Mushtaq. The record establishes that Ms. Nida Rafaqat had submitted a leave application for 03.04.2023 to 08.04.2023, which was admittedly approved by Ms. Nazia Mushtaq. However, instead of recording the leave contemporaneously, attendance was entered in the relevant blank columns and was subsequently crossed out and replaced with "Casual Leave" by Ms. Nazia Mushtaq herself. The accused officer admitted these facts in her written statement and in response to the questionnaire of the Inquiry Officer. Despite specific demand, the original attendance register and leave application were not produced. The circumstances conclusively establish serious failure of supervisory control and facilitation of manipulation of the official attendance record. The plea that there is no direct evidence of the physical act of marking attendance is immaterial, as the charge is established from the cumulative effect of the accused officer's own admission, her control over the attendance record and the subsequent alteration thereof. The finding of the Inquiry Officer is, therefore, fully justified.

13. **AND WHEREAS**, the charge No. 3 is also proved. The record shows that the biometric machine was installed in August 2022 and was initially used, but its use was subsequently discontinued; the machine remained unsynchronized with the Department due to non-provision of the required static IP and was restored to operational use only on 18.05.2023. The fact-finding probe independently recorded deliberate non-use/dysfunction of the biometric machine and wrong submission of its functional status by the Incharge Headmistress. The Inquiry Officer, upon considering the material on record, accordingly found the charge proved. The accused officer, *being Incharge Headmistress*, was responsible for ensuring proper functioning and reporting of the attendance system. Her bare denial, without any convincing explanation for the prolonged non-use and subsequent restoration of the system, does not dislodge the established circumstances. The charge is, therefore, held proved.

14. **AND WHEREAS**, the charge No. 5 regarding improper and intimidating conduct towards staff is likewise proved. The inquiry record contains statements of teaching and non-teaching staff regarding the conduct of the accused officer. Significantly, adverse remarks recorded by her against Ms. Mamona Rajab and Ms. Adeela Iqbal were subsequently expunged by the Secretary, Special Education Department, which provides material corroboration to the allegation regarding misuse of supervisory authority. The plea that recording adverse remarks was within the authority of the Headmistress does not answer the charge, which concerns the improper and intimidating manner in which such authority was exercised. The material on record, viewed cumulatively, establishes conduct inconsistent with the dignity, restraint and propriety expected of an officer holding charge of a Government institution. The finding of the Inquiry Officer is, therefore, affirmed.

15. **AND WHEREAS**, mere reiteration of the defence already considered during the inquiry, without producing convincing and cogent material capable of discrediting the findings recorded by the Inquiry Officer, cannot by itself constitute a ground for exoneration. The burden at this stage is not discharged by a bare denial of the allegations or by merely attributing ulterior motives to the persons whose statements or material formed part of the inquiry record.

16. **AND WHEREAS**, I am satisfied, upon independent consideration of the entire record, that the findings of the Inquiry Officer, to the extent accepted herein, are supported by the material available on the record and that the accused officers have failed to furnish any sufficient justification. But the penalties recommended warrant interference.

17. **NOW, THEREFORE,** in exercise of the powers conferred upon me as Competent Authority under Section 13(4) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006, and after affording the accused officers reasonable opportunity of show cause and personal hearing, following penalty(ies) are imposed upon the accused officers:

Sr. No.	Name of the accused officer	Penalty Imposed
1.	Ms. Nida Rafaqat, Speech Therapist (BS-17), formerly posted at Government Special Education Centre, Layyah presently posted at Govt. Special Education Centre, Abdul Hakim, District Khanewal.	i. Minor penalty of 'Censure' under Section 4(1)(a)(i) of the PEEDA Act, 2006; and ii. Recovery of pay amounting to Rs.21,738/-, being the pay pertaining to six days' absence, i.e., from 10.04.2023 to 11.04.2023 and from 26.04.2023 to 29.04.2023.
2.	Ms. Nazia Mushtaq, SSET (HI Field/BS-17), formerly Incharge Headmistress, Government Special Education Centre, Layyah presently posted at Govt. Special Education Centre, Karor Lal Eason.	Minor penalty of 'withholding of increments for a period of two years' under Section 4(1)(a)(ii) of the PEEDA Act, 2006.

Dated Lahore the
August 19th, 2026

(SHOAIB IQBAL SYED)
SECRETAR SPECIAL EDUCATION/
COMPETENT AUTHORITY

NO. & DATE EVEN

A copy is forwarded to the:-

1. Director General, Special Education Punjab, Lahore.
2. District Accounts Officer, Multan.
3. District Accounts Officer, DG Khan.
4. District Education Officer (Special Education), D.G. Khan.
5. District Education Officer (Special Education), Multan.
6. Nida Rafaqat, Speech Therapist (BS-17), Govt. Special Education Centre, Abdul Hakeem, District Khanewal.
7. Ms. Nazia Mushtaq, Senior Special Education Teacher (HI Field/BS-17), Govt. Special Education Centre, Karor Lal Eason, District Layyah.
8. PS to Secretary Special Education Department.


19/8/2026
SECTION OFFICER (ESTT.-I)
SPECIAL EDUCATION DEPARTMENT