

REGISTERED



**GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT**

ORDER

No. LO(Writ)12-4/2023. WHEREAS, Mr. Liaqat Ali, Senior Craft Instructor, (BS-14), Govt. Secondary Institute for the Blind (Boys), Sargodha (**'appellant'**) filed departmental appeal under Section 16 of the PEEDA Act, 2006 (**'Act'**) against order dated 28.11.2023 (**'Impugned Order'**) passed by Director General Special Education, Punjab (**'DGSE'**) whereby major penalty of 'Reduction to a lower post and pay scale from the substantive post for a period of 05 years' (**'impugned penalty'**) under Section 4(1)(b)(ii) of the Act *ibid* was imposed upon the appellant.

2. AND WHEREAS, comments on the appeal were obtained from DGSE. Deputy Secretary, Special Education Department was appointed as **Hearing Officer** to submit report after affording an opportunity of personal hearing to the appellant in presence of Departmental Representative of Directorate General of Special Education, Punjab, Lahore.

3. AND WHEREAS, after affording an opportunity of personal hearing, the Hearing Officer submitted report of hearing proceedings stating therein that during the hearing proceedings, the appellant, while reiterating the stance already taken by him in his departmental appeal, *inter alia*, contended that the charges levelled against him are false and contrary to record; that the inquiry was not conducted in accordance with the law; that he was not provided ample opportunities to rebut the charges and to cross examine the record and witnesses, who deposed against him, that the penalty imposed upon him, *in view of the facts of the case*, is harsh and unjustified. He, lastly, requested that the impugned penalty order may be set-aside and he may be exonerated from the charges.

4. AND WHEREAS, on the other hand the Departmental Representative apprised that the appellant was proceeded against departmentally through regular inquiry under statutory regime of Act *ibid* on the following charges of inefficiency and misconduct by appointing an inquiry officer;

1. *Spoiled the educational environment of the institution due to his non-professional attitude.*
2. *Misbehaved with the Principal, Govt. Secondary Institute for Blind (Boys), Sargodha on 02.05.2023.*
3. *Non-professional attitude and refusal to perform official duties.*

After receipt of inquiry report, DGSE issued Show Cause cum Personal Hearing Notice under Section 13(4) of the Act *ibid* to the appellant and after granting him hearing in accordance with the law, imposed impugned penalty upon the appellant vide impugned order. The Departmental Representative further stated that inquiry proceedings were conducted by the Inquiry Officer in accordance with the provisions of PEEDA, Act, 2006, all record was thoroughly scrutinized and statements of all concerned were recorded; that charges of inefficiency and misconduct, *levelled against the accused officer through order of inquiry*,

stood proved; that the arguments of the accused officer are fallacious and carry no weight; that the penalty proposed by the Inquiry Officer and imposed by the Competent Authority commensurates with the gravity and severity of the guilt of accused officer.

5. **AND WHEREAS**, the Hearing Officer after hearing the appellant in presence of Departmental Representative of Directorate General of Special Education observed that the appellant has not identified any illegality or irregularity in the contested penalty order. The appellant's stance, as presented in the departmental appeal, lacks reasoning, justification, and fails to find support in the available record. Despite being afforded ample opportunities to provide evidence refuting the charges, substantiating his position, and establishing his innocence, the appellant has not done so. It is evident that the observations made by the Competent Authority in the impugned penalty order are well-founded and align with the record. Consequently, there is no justification for interference in order passed by Competent Authority in accordance with the law and attending circumstances of the case. No mis-reading/non-reading of facts or evidence which has resulted in miscarriage of justice, has been pointed out by the appellant. The order passed by Competent Authority does not suffer from any legal infirmity which may warrant interference. With regards to imposition of penalty, the Hearing Officer has observed that the charges of inefficiency and misconduct have been substantiated against the accused officer. Consequently, the Competent Authority has appropriately imposed a penalty which commensurates with the gravity of the proven charges.

6. **AND WHEREAS**, after examining/considering the relevant record available in the file and being mindful of the facts of the case, it has been observed that during course of inquiry proceedings, the charges of inefficiency and misconduct stood proved against the appellant and no plausible justification to rebut the veracity of the charges has been given by the appellant. From perusal of the observations / findings / reasons recorded by the Competent Authority in the impugned penalty order for awarding impugned penalty, it transpires that the same have been made after application of judicial mind, taking into account all the attending circumstances of the case and the same are in consonance with the record. The appellant, *rather than introducing/placing any new piece of evidence/information*, has simply restated his previous position, which had been presented both before the Inquiry Officer and the Competent Authority. It is important to note that the appellant's stance was thoroughly assessed initially by the Inquiry Officer and subsequently by the Competent Authority. The appellant has not provided compelling reasons to exonerate himself from the charges levelled against him, as sufficient evidence in shape of statements of the teaching staff is available on record to connect the appellant with the commission of the charges levelled against him. Furthermore, *during the hearing proceedings before the Hearing Officer*, the appellant failed to present any convincing evidence that would suggest the inaccuracy of the charges brought against him. Upon thorough examination of the records, it is evident that, during the course of the inquiry proceedings, the charges pertaining to the appellant's misconduct / misbehaviour with the Principal of the Institute during office hours and in presence of staff have been substantiated. Furthermore, it is observed that the justifications put forth by the appellant in his defense lack merit. The order issued by the Competent Authority is found to be legally sound, and no legal deficiencies are apparent. Additionally,

there are no extenuating circumstances in this case that would justify intervention in decision arrived by the Competent Authority.

7. **NOW THEREFORE**, for reasons recorded above, instant departmental appeal filed by the appellant fails and the same is accordingly **rejected** in terms of Section 16(2)(a) of the Act *ibid* being devoid of merits and the order of the Competent Authority dated 28.11.2023 is upheld.

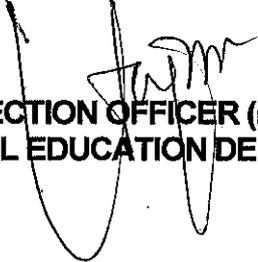
Dated Lahore the
February 07 / 2024


(SAIMA SAEED)
SECRETARY to
GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT/
APPELLATE AUTHORITY

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. Director (Admn), Directorate General of Special Education, Punjab, Lahore.
4. District Education Officer (Special Education), Sragodha.
5. Appellant concerned / **Mr. Liaqat Ali**, Senior Craft Instructor, (BS-14), Govt. Secondary Institute for the Blind (Boys), Sargodha.
6. PS to Secretary Special Education Department.


SECTION OFFICER (ESTT.)
SPECIAL EDUCATION DEPARTMENT