



**GOVERNMENT OF THE PUNJAB  
SPECIAL EDUCATION DEPARTMENT**

**ORDER**

**No. SO(ESTT.)13-30/2022. WHEREAS**, through this order revision petition filed by **Mr. Khurram Shahzad**, ex-Store Keeper, Resident of Teachers Colony, Meer Sahib Road, Kot Radha Kishen, District Kasur (**'petitioner'**) under Section 17 of the PEEDA Act, 2006 (**'Act'**) shall be decided. The petitioner through instant revision petition has challenged the legality, validity and propriety of order dated 08.08.2023 passed by Director (Admin), Directorate General of Special Education, Punjab being Competent Authority, *whereby major penalty of dismissal from service was imposed upon him*, and order dated 08.11.2023 passed by Director General, Special Education, Punjab, Lahore being Appellate Authority, *whereby his departmental appeal filed against order dated 08.08.2023 was rejected*.

**2. AND WHEREAS**, under Section 17(1) of the Act *ibid* record of the proceedings was called from Directorate General of Special Education for the purpose of satisfying as to the correctness, legality or propriety of proceedings carried out and orders passed pursuant thereto in the case of the petitioner. After obtaining all the record, it was decided to afford an opportunity of hearing to the petitioner, therefore, Deputy Secretary Special Education was appointed Hearing Officer and the petitioner was directed to appear before the Hearing Officer on 03.01.2024.

**3. AND WHEREAS**, the Hearing Officer after affording opportunity of personal hearing to the petitioner in presence of representative of Directorate General of Special Education, Punjab, Lahore, submitted report of hearing proceedings stating therein that during the course of hearing, the petitioner reiterated the stance he had previously made in his revision petition and requested that his revision may be accepted; impugned orders passed by Competent and Appellate Authority may be set-aside and he may be reinstated into Govt. service with all back benefits.

**4. AND WHEREAS**, the Hearing Officer further stated that the Departmental Representative at the very outset objected to the maintainability of the revision petition and while reiterating the facts related to the case stated that the petitioner was proceeded departmental through regular inquiry under statutory regime of PEEDA Act, 2006 on the following charges of misconduct;

- i. *Willful defiance of the order of the Competent Authority by not joining the place of posting at Govt. Deaf & Defective Hearing School for Boys, Gujranwala; and*

- ii. Willful absence from duty w.e.f. 30.07.2022 to till date without intimation/prior permission of the Competent Authority.

After fulfilling all the legal/codal and just requirements and due process as provided in the law, upon finalization of the inquiry proceedings, Director (Admn), Directorate General of Special Education, Punjab Lahore being Competent Authority vide order dated 08.08.2023 imposed major penalty of dismissal from service upon the petitioner. The petitioner being dissatisfied by the penalty order preferred departmental appeal before Director General Special Education / Appellate Authority, who after hearing the petitioner rejected the same vide order dated 08.11.2023 being devoid of merits. The Departmental Representative requested that since all the proceedings in the case of the petitioner have been carried out as per law and the petitioner has not pointed out any illegality in the impugned orders, hence the instant revision petition may be rejected being not maintainable and devoid of merits.

5. **AND WHEREAS**, after hearing the petitioner, Departmental Representative and reviewing the petitioner's revision petition, the pertinent documents in the file, as well as the record provided by the Departmental Representative, the Hearing Officer observed that Section 17 of the Act *ibid* empowers Chief Minister, Chief Secretary, Administrative Secretary and other Appellate Authority to call for the record of any proceedings within one year of the order of exoneration or imposition of penalty passed by the Competent Authority or the Appellate Authority for the purpose of satisfying himself as to the **correctness, legality or propriety** of such proceedings. Section 17 of the Act *ibid* also provides kinds of orders that can be passed in exercise of revisional jurisdiction i.e., the orders of Competent Authority or the Appellate Authority can be **upheld**, Competent Authority can be directed to hold **de-novo inquiry** or subject to hearing and issuance of notice of Show Cause the penalty can be **enhanced**. In Section 17 of the Act *ibid*, there is no scope of filing revision petition by the accused officer who has been awarded any penalty. The accused officer cannot ask the authorities by way of filing of any application for exercise of their revisional powers being discretionary in nature. The PEEDA Act, 2006 provides a remedy to the accused officer who intends to assail any penalty order passed by Competent Authority before next higher authority i.e., Appellate Authority under Section 16 of the Act *ibid*. The remedy of revision under Section 17 of the Act *ibid* cannot be used as right of second appeal by an accused officer/official because the same is not provided under the law. The Hearing Officer further observed that the petitioner has failed to point out that there was any error, perversity or legal defect in the impugned orders warranting the interference in exercise of revisional powers. The Hearing Officer further observed that available record shows that the Competent Authority while awarding impugned penalty has adequately scrutinized the evidence available on record and the Appellate Authority after proper application of mind reached a just and equitable conclusion and rejected the departmental appeal of the petitioner being devoid of merits. The Hearing Officer concluded that the petitioner has

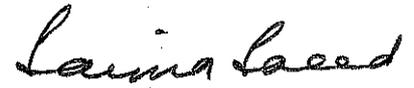
failed to point out any illegality, irregularity and anomaly in the impugned orders. Competent and Appellate Authorities have rightly passed the impugned orders in accordance with the law after taking into consideration all material related to the case.

6. **AND WHEREAS**, after examining the record/material available on record, it is noticed that revisional jurisdiction, as provided in Section 17 of the Act *ibid*, is pre-eminently corrective and supervisory in nature. Revisional jurisdiction can be exercised by the authorities enumerated in Section 17 of the Act *ibid* through *suo motu* jurisdiction in order to correct any jurisdictional errors committed by a Competent and Appellate Authority to ensure strict adherence to the safe administration of justice. The jurisdiction vested in the authorities under Section 17 of the Act *ibid* is to satisfy and reassure that the order passed by said authorities is within its jurisdiction; the authorities have not acted illegally or in breach of some provisions of law, or with material irregularity, or by committing some error of procedure in the course of the proceedings which affected the ultimate decision. The scope of revisional jurisdiction is restricted to the extent of misreading or non-reading of evidence, jurisdictional error or an illegality in the orders which is of such nature that has a material effect on the result of the case, or if the conclusion drawn thereupon is perverse or conflicting to the law. It is imperative to note that the avenue of revision under Section 17 of the Act *ibid* cannot be construed as a right of second appeal for the accused officer/official, because the same is not provided under the law. Moreover, even if a request is made under Section 17 of the Act *ibid*, the same can be to the extent of exercise of revisional powers and cannot go beyond the scope of Section 17. In this case, if the request which is made by the petitioner in his revision petition is adjudged on the touchstone of mandate of Section 17 of Act *ibid*, it transpires that same is contrary to said provision because the petitioner has prayed for setting-aside the orders passed by Competent and Appellate Authorities alongwith his exoneration from the charges. Record suggests that the petitioner has failed to demonstrate any mis-reading, non-reading of evidence and also failed to point out any material error, perversity, or legal defect in the impugned orders that would justify the exercise of revisional powers. Consequently, it can be concluded that the instant revision petition filed by the petitioner is not tenable in its present state. With regard to the merits of the case, thorough examination has been conducted on the provided records, including the inquiry order, charge sheet, inquiry report containing findings and recommendations of the inquiry officer, the penalty order issued by the Director (Admin) being Competent Authority, and the decision of the Director General Special Education acting as the Appellate Authority, whereby the petitioner's departmental appeal was dismissed. It is evident from the record that the Competent Authority, *while imposing the impugned penalty*, meticulously evaluated the available evidence. Furthermore, the Appellate Authority, *having duly applied due diligence*, arrived at a fair and equitable decision while rejecting the petitioner's departmental appeal, which lacked substantive merit. It is also noted that the evidence relevant to the case has been comprehensively reviewed, initially by the Inquiry Officer and subsequently by both the Competent and Appellate Authorities. Additionally, it

Lavina Saad

is observed that the petitioner has failed to provide substantial material or evidence in his revision petition to establish any allegations of ill-will or malicious intent on the part of the Competent Authority. Perusal of record further shows that the petitioner has asserted that he did not receive his transfer order, thereby claiming that there was no question of defiance. However, this assertion by the petitioner is deemed insufficient for consideration due to the fact that throughout the inquiry proceedings, the petitioner was afforded ample, equitable, transparent, and comprehensive opportunities in accordance with the law to substantiate his stance, yet he failed to do so. Both the penalty and appellate orders have adequately addressed and refuted the petitioner's stance in this regard.

7. **NOW, THEREFORE**, for reasons mentioned *supra*, I, **Saima Saeed**, Secretary Special Education being the **Revisional Authority** in the instant case, am of the view that the petitioner has not identified any instance of illegality, irregularity, or anomaly in the impugned orders. The Competent and Appellate Authorities have appropriately issued the impugned orders in conformity with the law, after meticulously considering all relevant materials pertaining to the case and exercising judicious mind. Therefore, revision petition of the petitioner filed under Section 17 of the Act *ibid* is hereby **rejected** being not maintainable and devoid of merits.



(SAIMA SAEED)  
SECRETARY to

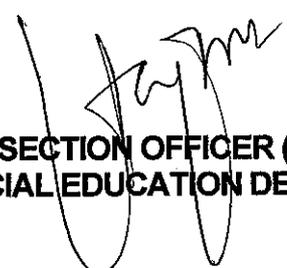
GOVERNMENT OF THE PUNJAB  
SPECIAL EDUCATION DEPARTMENT/  
REVISIONAL AUTHORITY

Dated Lahore the  
February 07 / 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. **Director (Admn)**, Directorate General of Special Education, Punjab, Lahore.
4. **Petitioner concerned / Mr. Khurram Shahzad**, ex-Store Keeper, Resident of Teachers Colony, Meer Sahib Road, Kot Radha Kishen, District Kasur.
5. **PS** to Secretary Special Education Department.



SECTION OFFICER (ESTT.)  
SPECIAL EDUCATION DEPARTMENT