

REGISTERED



**GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT**

ORDER

No. SO(Estt.)10-484/2016. WHEREAS, Deputy Director (Admn). Directorate General of Special Education, Punjab, Lahore vide letter dated 09.02.2023 forwarded letter of the then District Education Officer (Special Education), Bahawalpur dated 05.01.2023 stating therein that **Syed Aqeel Ahmad Bukhari**, Senior Special Education Teacher (MC Field/BS-17), presently posted as Deputy District Education Officer (Spl. Edu.), Bahawalpur (**'accused officer'**) has not mended his ways despite repeated request / counseling to take interest in the disposal of time limited official assignments / routine work. Pursuant thereto, the Director General, Directorate General of Special Education Punjab, Lahore vide letter dated 05.03.2023 was requested to conduct fact-finding probe and to furnish report with clear recommendations. In response thereof, Deputy Director (Admn), Directorate General of Special Education Punjab, Lahore vide letter dated 18.05.2023 forwarded probe report stating therein that the accused officer is involved in sharing immoral images in WhatsApp group created for the Heads of the Bahawalpur division. He is not discharging his duties efficiently and his behaviour towards discharge of his duties is also non-serious. Lastly, it was recommended that regular inquiry under the Act *ibid* on account of poor performance, inefficiency and non-serious behaviour may be initiated against him.

2. **AND WHEREAS**, upon receipt of the probe report and keeping in view sufficient grounds to proceed against the accused officer, disciplinary proceedings through a regular inquiry against the accused officer under the Act *ibid* were initiated by constituting an **Inquiry Committee** comprising the following to proceed against the accused officer in terms of Section 5 read with Section 9 of the Act *ibid* and to conduct inquiry proceedings on the following charges of misconduct, inefficiency;

1.	Mr. Ghulam Murtaza , Deputy Director (Admn), Directorate General of Special Education, Punjab, Lahore	(Convener)
2.	Ms. Khaula Munawar , Deputy Director (Curriculum), Directorate General of Special Education Punjab, Lahore.	(Member)

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CHARGES

- i. The accused officer shared immoral images / Gifs in WhatsApp group of Heads of Special Education Institutions of Bahawalpur Division from his Whatsapp No. 0300-9683407 at about 01:30 AM. Which shows his indulgence in immoral activities and tantamounts to misconduct.
- ii. The performance of the accused officer during his posting as Deputy District Education Officer (Spl. Edu.), Bahawalpur remained unsatisfactory / poor and his attitude/behaviour towards discharge of his official duties is casual / non-serious as he pays no heed towards performance of his official duties and remained absent without intimation. He always remains unable to dispose of time-limit official assignments assigned to him.

3. **AND WHEREAS**, the Inquiry Committee after conducting thorough inquiry into the charges in accordance with provisions of the Act *ibid* submitted inquiry report. The Inquiry Committee observed that charges stand proved against the accused officer, therefore, recommended imposition of major penalty of "**Compulsory Retirement**" under Section 4(b)(iv) of the Act *ibid* upon the accused officer.

4. **AND WHEREAS**, upon receipt of inquiry report, Show Cause cum Personal Hearing Notice under Section 13(4) of Act *ibid* was issued to the accused officer directing him to submit additional defense, *if any*, and also to appear on **30.11.2023** before the **Deputy Secretary Special Education / Hearing Officer** appointed under Section 13(4)(c) of the Act *ibid*, for personal hearing. The Departmental Representative was also directed to appear before the undersigned alongwith all record under Section 13(4)(e) of the Act *ibid*.

5. **AND WHEREAS**, the Hearing Officer after granting opportunities of personal hearings to the accused officer in presence of Departmental Representative submitted report of hearing proceedings stating therein that during the hearing proceedings, accused officer submitted additional defense reply and while reiterating the stance taken by him during course of inquiry proceedings and points raised in his additional defense reply, *inter alia*, contended that charges levelled against him are against the facts and record. He denied the charges and maintained that he produced all the record before the Inquiry Committee and rebutted the veracity of the charges with cogent evidence and Inquiry Committee also failed to give any persuasive reason in the inquiry report for award of proposed penalty to him. Lastly, he requested that the charges are baseless and devoid of merit, therefore, he may be exonerated from the charges.

6. **AND WHEREAS**, the Departmental Representative stated that all record related to the charges was provided to the accused officer and inquiry proceedings were conducted by the Inquiry Committee in accordance with the provisions of PEEDA, Act, 2006. The Departmental Representative further stated that charges of inefficiency and

Faiyaz Saad

misconduct stood proved against the accused officer. He further stated that stance of the accused officer is devoid of justification and carries no weight. He further stated that penalty proposed by the Inquiry Committee in view of the facts of the case, commensurates with the severity / gravity of the proven charges and guilt of accused officer. He further apprised that all record including inquiry report alongwith all annexures was also handed over to the accused officer.

7. **AND WHEREAS**, after hearing the accused officer, Departmental Representative, examining the additional defense of the accused officer and documents annexed therewith, considering the material related to the case available in shape of inquiry report and keeping in view the findings and recommendations of the Inquiry Committee, the Hearing Officer observed that the inquiry proceedings have been conducted in accordance with the provisions of PEEDA Act, 2006, merits of the case have been appreciated by the Inquiry Committee and due process as provided under the law has been adopted by the Inquiry Committee. During the course of inquiry proceedings, the accused officer was provided full, fair and complete opportunities to vindicate his stance and prove his innocence. As per findings of Inquiry Committee all the charges levelled against the accused officer stood fully proved. Pertinently, perusal of findings of the Inquiry Committee shows that same are based on cogent, convincing and confidence inspiring evidence, credibility of which has not been questioned by the accused officer during hearing proceedings. The Hearing Officer observed that no new and/or plausible piece of evidence has been brought on record by the accused officer, *through additional defense reply*, to rebut the evidence already available on record. After thorough examination of record, the Hearing Officer observed that all the charges levelled against the accused officer stood proved, therefore, the penalty recommended by the Inquiry Committee commensurates with gravity of guilt of the accused officer.

8. **AND WHEREAS**, after a thorough examination and consideration of the case-related documentation, the findings and recommendations put forth by the designated Inquiry Committee, the supplementary defense response presented by the accused officer and the report of the Hearing Officer, in conjunction with the comprehensive record available in the case file, it is evident that the inquiry proceedings have been conducted by the Inquiry Committee in accordance with the provisions of PEEDA Act, 2006 and due process as provided under the law has been adopted by the Inquiry Committee. During inquiry proceedings the accused officer was provided ample opportunities to vindicate his stance, to rebut the veracity of the charges and prove his innocence but he failed to do so. The accused officer failed to substantiate his stance and to place on record any new piece of evidence to rebut the evidence already available on record. It is observed that the findings and recommendations of the Inquiry Committee are based on record, made after considering all aspects of the case and taking into consideration the entire circumstances involved in the case. It is further observed that recommendations of the Inquiry Committee are substantiated with reasons / findings and no exception can be taken from the same. It transpires from perusal of record that Inquiry

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Committee after applying judicious mind and fulfilling all requirements of law has recommended imposition of penalty. *Prima facie* the same are in consonance with the record and spirit of the law. It is further noticed that all the charges of inefficiency and misconduct stood proved against the accused officer. The penalty recommended by the Inquiry Committee commensurate with gravity of guilt of the accused officer.

9. **AND WHEREAS**, detailed review of the inquiry report, along with the accompanying annexed record, indicates that the accused officer did not efficiently fulfill the duties assigned to him, and his conduct proved to be detrimental to the standards expected of good service. Additionally, it is noted that the position taken by the accused officer throughout the inquiry proceedings before the Inquiry Committee, during the personal hearing before the Hearing Officer, and in the supplementary/additional defense reply lack any justifiable basis. During the course of personal hearing before the Hearing Officer, the accused officer primarily emphasized that he had not shared any inappropriate pictures, GIFs, or stickers on any WhatsApp group. He suggested that such actions might have been carried out by hackers, and he underscored the absence of verification for these images from the Punjab Forensic Science Agency. However, when pressed with specific inquiries by the Hearing Officer, the accused officer conceded that the GIFs and stickers alleged to have been shared on the WhatsApp group were previously shared on another WhatsApp group. Moreover, he acknowledged that these files were also available and downloaded on his mobile phone. He further disclosed that the incident under inquiry occurred in 2021, during which time his phone was accessed by his children. The accused officer has acknowledged and admitted to the act of sharing objectionable GIFs and stickers from his mobile phone, expressing remorse for his actions. It is noteworthy that the accused officer does not dispute the factual occurrence of sharing immoral content from his device; rather, he verbally confirmed the same. Consequently, considering the explicit admission made by the accused officer during the personal hearing, the contention that his phone should undergo forensic analysis to validate his claims holds diminished significance.

10. **AND WHEREAS**, the second allegation against the accused officer relates to his conduct during his tenure as the Deputy District Education Officer (Special Education), Bahawalpur. The accused officer asserts that his performance during this period was commendable, and he received no complaints from his superiors. Upon thorough examination of the records in this matter, it is noted that the stance of the accused officer is inconsistent with the documentary evidence. According to official records, the accused officer assumed the position of Deputy District Education Officer (Special Education), Bahawalpur, as per the order dated 06.12.2018. Subsequently, he was additionally assigned the responsibilities of the District Education Officer (Special Education), Bahawalpur, by virtue of the order dated 24.05.2021. However, this additional charge was rescinded through the order dated 19.07.2021. Notably, through Note dated 27.07.2021, the then Director General of Special Education, Punjab, Lahore, reported on

Latina Saad

the alleged inefficiency of the accused officer and requested the department to consider his service relinquishment / surrendering from the said post. Consequently, the accused officer was transferred from the aforementioned post vide order dated 23.08.2021; nevertheless, this transfer order was subsequently withdrawn by an order dated 24.09.2021 (as clarified by the accused officer during the personal hearing, the withdrawal of the transfer order was at his own request). Furthermore, upon examination of the record, it is evident that through another Note dated 18.03.2022, the then Director General of Special Education, Punjab, Lahore, once again reported an incident involving the accused officer. This incident pertained to the alleged posting and sharing of explicit images or stickers of women in the WhatsApp group of Heads of Institutions of Special Education, Bahawalpur. The then Director General also highlighted concerns about the accused officer's inefficiency and urged the department to consider his service relinquishment, along with the initiation of disciplinary proceedings against him. In a related development, the Deputy Director (Administration), through a letter dated 09.02.2023, forwarded the report of the then District Education Officer (Special Education), Bahawalpur, dated 05.01.2023. This report also emphasized the inefficiency of the accused officer in the execution of official duties and requested his transfer. Subsequent to the incident, an investigation / probe was conducted into the matter, and the investigating / probe officer highlighted that the accused officer had shared inappropriate content in a WhatsApp group. Additionally, the investigation revealed unsatisfactory performance by the accused officer, prompting a recommendation for the initiation of disciplinary proceedings against him. It is also matter of record that during the personal hearing before the Hearing Officer, the accused officer was specifically questioned about his job description and assigned duties as Deputy District Education Officer, as well as the primary responsibilities associated with the role. In response, he failed to provide a coherent response regarding the specific tasks assigned to him and carried out by him in the course of his duties. Notably, in an attempt to showcase positive performance, the accused officer asserted that he had spearheaded an enrollment campaign in the year 2022, resulting in the enrollment of 1200 students across all Special Education Institutes in the Bahawalpur division due to his efforts. The Departmental Representative challenged this assertion, contending that the accused officer's claim was misguided and contradicted the official records. Furthermore, the representative clarified that the enrollment campaign was orchestrated under the supervision of the then District Education Officer, Bahawalpur, and the accused officer played no substantive role in the activity. Moreover, the stated number of enrolled students by the accused officer was deemed to be fictitious. Undoubtedly, it is imperative to note that during the personal hearing conducted before the Hearing Officer, the accused officer, who serves as a teacher for mentally challenged students, was specifically queried on fundamental terminologies related to his field of teaching. But the accused officer demonstrated a complete lack of knowledge concerning the foundational aspects of subjects within the realm of mental challenges. His responses were notably inadequate, and he exhibited an

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inability to provide satisfactory replies to the inquiries posed. Furthermore, his unethical act of sharing obscene material on Whatsapp group poses grave threat to the security of the mentally challenged students, *whom he has been hired to teach*, and thus they being most vulnerable group of children cannot be trusted to be left in his care and supervision. Doing so, may lead to another untoward incident.

11. AND WHEREAS, it is evident from the findings of the Inquiry Committee, as outlined in the inquiry report, that the accused officer, during the course of the inquiry proceedings, also failed to offer any substantial evidence in his defense to counter the charges leveled against him. Clearly, the accused officer did not effectively fulfill his professional responsibilities in a satisfactory manner. The conclusions drawn by the Inquiry Committee align with the information available in the official records.

12. NOW THEREFORE, I, **Saima Saeed**, Secretary Special Education / Competent Authority in the instant case, after having considered all the aspects, material relating to the case and recommendations of the Inquiry Committee, *for reasons stated herein above*, am of the considered view that conduct of the accused officer towards performance of his official duties remained highly objectionable, prejudicial to good service conduct and charges of inefficiency and misconduct stood proved against him beyond any shadow of doubt and the penalty recommended by the Inquiry Committee commensurates with gravity/severity of guilt of the accused officer. Therefore, in exercise of powers vested in me under Section 13(5) read with Section 4 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006, *while agreeing with the recommendations of the Inquiry Committee*, major penalty of “**Compulsory Retirement**” under Section 4(1)(b)(iv) of the Act *ibid* is hereby imposed upon the accused officer.


(SAIMA SAEED)

SECRETARY SPECIAL EDUCATION /
COMPETENT AUTHORITY

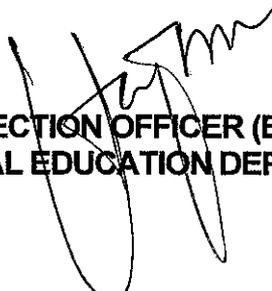
Dated Lahore, the
February 07 /2024

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. District Accounts Officer, Bahawalpur.
4. Statistical Officer, Directorate General of Special Education, Punjab, Lahore.
5. District Education Officer (Special Education), Bahawalpur to ensure delivery of this order to the accused officer and implementation of the penalty under intimation to this department.

6. Accused Officer concerned / **Syed Aqeel Ahmad Bukhari**, Senior Special Education Teacher (MC Field/BS-17), presently posted as Deputy District Education Officer (Spl. Edu.), Bahawalpur
7. PS to Secretary Special Education Department.



**SECTION OFFICER (ESTT.)
SPECIAL EDUCATION DEPARTMENT**