



ORDER

No.SO(Estt)10-318/2010. WHEREAS, the teaching staff of Govt. Special Education Centre, Hafizabad lodged a complaint before Deputy Commissioner, Hafizabad dated 26.10.2022 against **Ms. Samra Javed**, Headmistress (BS-18) (MC Field) previously posted at Govt. Special Education Centre, Hafizabad, presently posted at Govt. Special Education Centre, Safdarabad (**'accused officer'**) with the allegations that the behaviour of the accused officer with staff is outrageous, contemptible and abusive and she remains absent from duty and attends office twice in a week and marks attendance through proxies. She is involved in multifarious sort of corrupt practices like managing day to day affairs of institute like tree plantation, white wash, class rooms decoration etc. from salaries of the staff and then re-imburement of these expenditures from public exchequer. She keeps halted transport of institute in parking and draws POL which is embezzled while teachers are forced to mark attendance of students when buses do not operate and staff is harassed in case of refusal. She uses undue influence for vested interests and illegal gains. Her harsh and cruel behaviour in the Centre, where generous behaviour is required, is unsafe for special children and female staff.

2. AND WHEREAS, the Deputy Commissioner, Hafizabad vide order dated 12.11.2022 initiated inquiry against the accused officer under the Punjab Civil Administration Act, 2017 by appointing Additional Deputy Commissioner (Revenue), Hafizabad as Inquiry Officer to conduct inquiry against the accused officer under Section 19(1) of Civil Administration Act, 2017. The Additional Deputy Commissioner (Revenue), Hafizabad after conducting inquiry submitted inquiry report dated 06.02.2023 with the following conclusions & recommendations:

CONCLUSIONS:

- i. *Attitude of Ms. Samra Javid, Headmistress, Govt. Special Education Centre, Hafizabad with staff is main cause of contention who creates issues and depending on the sensitivity level of each member it may be extremely harsh but is so and that is unbecoming of government officer.*
- ii. *No classes were held from 17.05.2022 to 31.05.2022 and majority of teachers recorded their students as absent during that period, but these entries were overwritten by converting absent into presence to justify fuel consumption.*
- iii. *Camera recording (DVR) was purposely not provided or destroyed to conceal the facts.*

RECOMMENDATIONS:

- i. *Departmental Inquiry under PEEDA Act, 2006 may be initiated on the charges of overwriting on attendance registers and consumption of fuel / POL in lieu of these days in which students remained absent. The role of each person may be determined in this regard.*

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- ii. Attendance must be bio metric and online, as, prima facie, attendance is being marked by some other staff member occasionally but it is hard to establish as charge.
- iii. Owing to personality clashes and behavioural issues among the staff and Principal, it is recommended that the principal may be shifted to some other place to avoid any untoward incident.

3. **AND WHEREAS**, upon receipt of above said report, disciplinary proceedings through a regular inquiry under Section 3 and 5 read with Section 9 of the Act *ibid* of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 ('Act'), were initiated against the accused officer on the following charges of misconduct and inefficiency by appointing Mr. Shahid Abbas, Principal (VI Field/BS-19), Govt. (High) Special Education Centre, Shalimar Town, Lahore as Inquiry Officer to proceed against the accused officer in terms of Section 5 read with Section 9 of the Act *ibid*;

- i. **The behaviour of the accused officer with staff of the Centre is outrageous, contemptible and abusive.**
- ii. **The accused officer is habitual leave hunter and she remains absent from duty and attends office twice in a week and marks attendance through proxies.**
- iii. **The accused officer is involved in multifarious sort of corrupt practices like managing day to day affairs of the Centre like tree plantation, white wash, class rooms decoration etc. from salaries of the staff and then reimbursement of these expenditures from public exchequer.**
- iv. **No classes were held from 17.05.2022 to 31.05.2022 and majority of teachers recorded their students as absent during that period, but these entries were overwritten by converting absent into presence to justify fuel consumption.**
- v. **Camera recording (DVR) is not available on record or destroyed to conceal the facts.**
- vi. **The accused officer uses undue influence for vested interests and illegal gains.**

4. **AND WHEREAS**, the Inquiry Officer, after conducting the inquiry as per mandate of PEEDA Act, 2006, submitted inquiry report and concluded therein that all the charges levelled against the accused officer stood fully proved. The Inquiry Officer recommended imposition of following penalties upon the accused officer:

- i. **Minor penalty of "Withholding of increments for a period of two years under Section 4(1)(a)(ii) of the PEEDA Act, 2006", and**
- ii. **Major penalty of "Reduction to a Lower Post and Pay Scale from the Substantive Post for a period of two years under Section 4(1)(b)(ii) of the PEEDA Act, 2006".**

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5. **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 her to submit additional defence, *if any*, and also to appear on 14.02.2023 before **Additional 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 Hearing Officer alongwith all record under Section 13(4)(e) of the Act *ibid*.

6. **AND WHEREAS**, the Hearing Officer after granting opportunity of personal hearing to the accused officer in presence of Departmental Representative submitted report of hearing proceedings stating therein that during the hearing proceedings, the accused officer submitted additional defense reply and while reiterating the points raised therein and stance already taken by her during inquiry proceedings, *inter alia*, contended that charges levelled against her are against the facts and record. She denied the charges and while relying upon the record stated that no *mala fide* was involved in the matter. She further maintained that she produced all the record before the Inquiry Officer and rebutted the veracity of the charges with cogent evidence and Inquiry Officer also failed to give any persuasive reason in the inquiry report for award of proposed penalties to her. Lastly, she requested that the charges are baseless and devoid of merit, therefore, she may be exonerated from the charges.

7. **AND WHEREAS**, the Departmental Representative stated all record related to the charges was provided to the accused officer and inquiry proceedings were conducted by the Inquiry Officer in accordance with the provisions of PEEDA, Act, 2006 and statements of all concerned were recorded. The Departmental Representative further stated that charges of inefficiency & misconduct stood proved against the accused officer. He further stated that the arguments of the accused officer are contrary to record and carry no weight. He further stated that the accused officer failed to appear before the Inquiry Officer and to substantiate her stance taken in written defense reply. He further averred that the Inquiry Officer in accordance with the law proceeded against the accused officer and completed the inquiry proceedings. He lastly stated that penalties proposed by the Inquiry Officer commensurates with the guilt of accused officer.

8. **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 Officer, 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 Officer and due process as provided under the law has been adopted by the Inquiry Officer. The accused officer was provided full, fair and complete opportunities to vindicate her stance and prove her innocence but she failed to appear before the Inquiry Officer. The inquiry report shows that the accused officer filed application before the Inquiry Officer when the case was fixed for inquiry proceedings stating therein that she is on medical leave, her request was acceded to by the Inquiry Officer and the proceedings were adjourned. But when the proceedings were refixed, the accused officer again filed application stating therein that she is still on medical leave. There-after keeping in

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view the absence and non-appearance of the accused officer, the Inquiry Officer proceeded further in the matter and concluded the inquiry proceeding in terms of Section 10(4) and (5) of the Act *ibid*. The Hearing Officer after considering the action taken by the Inquiry Officer in terms of Section 10(5) of the Act *ibid* observed that if the course of action undertaken by the Inquiry Officer is adjudged on the touch stone of Section 10(4) and (5) of the Act *ibid*, there leave no room to conclude that no illegality has been committed by the Inquiry Officer and the procedure laid down in above referred provisions of law has been followed. The Hearing Officer further stated in the report that during the course of personal hearing the accused officer was asked whether her medical leave, as claimed by her, was ever sanctioned by the Competent Authority? She replied that she filed applications which were forwarded by DEO (SE), Gujranwala but no formal order has been passed. The record in this regard has been examined and it is observed that no application of the accused officer for sanction / grant of leave on medical ground was ever received in this department. The accused officer was further asked whether she ever approached Inquiry Officer informing him that her leave has expired and she has resumed the duty? The accused officer replied that she filed an application dated 01.06.2023 but the Inquiry Officer did not re-fix the matter. No record in this regard has been provided by the accused officer to substantiate her stance.

9. **AND WHEREAS**, the Hearing Officer further observed that as per findings of Inquiry Officer, the charges levelled against the accused officer stood proved. Pertinently, perusal of findings of the Inquiry Officer shows that same are based on cogent, convincing and confidence inspiring evidence, credibility of which has not been questioned by the accused officers during hearing proceedings. The perusal of statements of all concerned recorded during course of inquiry proceedings shows that the accused officers, failed to perform her duties efficiently and diligently. A careful reading of the inquiry report, coupled with the record annexed therewith, shows that the accused officer failed to discharge duties, as assigned to her, efficiently and her conduct remained prejudicial to good service. The stance of accused officer taken in additional defense reply is devoid of any justification. The accused officer failed to place on record any new and/or plausible piece of evidence, *through additional defense reply submitted during course of personal hearing*, to rebut the evidence already available on record. The Hearing Officer further observed that all the charges levelled against the accused officer stood proved and the penalties recommended by the Inquiry Officer commensurates with gravity of guilt of the accused officer.

10. **AND WHEREAS**, perusal of findings and recommendations of the Inquiry Officer, additional defense reply submitted by accused officer and report of Hearing Officer coupled with record available in file shows that the inquiry proceedings have been conducted by the Inquiry Officer in accordance with the provisions of PEEDA Act, 2006 and due process as provided under the law has been adopted by the Inquiry Officer. The accused officer failed to substantiate her 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 Officer 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 Officer are substantiated with reasons / findings and no exception can be taken from the same. It transpires from

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

11. **AND WHEREAS**, a perusal of the inquiry report reveals that the accused officer submitted an application before the Inquiry Officer when the case was scheduled for inquiry proceedings, stating therein that she was on medical leave. This request was granted, and the proceedings were adjourned accordingly by the Inquiry Officer. However, upon the refixing of the proceedings, the accused officer once again submitted an application stating therein that she was still on medical leave. Section 10 (4) and (5) of the PEEDA Act, 2006 provides as under;

(4) *Where the inquiry officer or the inquiry committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard to the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as may be deemed expedient in the interest of justice.*

(5) *If the accused absents himself from the inquiry on medical grounds, he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendation of a Medical Board; provided that the competent authority may, in its discretion, sanction medical leave up to seven days without recommendation of the Medical Board.*

Upon scrutiny of the course of action adopted by the Inquiry Officer, *whereby ex-parte proceedings were initiated against the accused officer*, in light of the aforementioned provisions of law, it is evident that no illegality has been committed, and due process, as prescribed by the aforementioned legal provisions, has been adhered to by the Inquiry Officer. During the course of personal hearing before the Hearing Officer, the accused officer was queried regarding the sanctioning of her purported medical leave by the Competent Authority. In response, she stated that she had submitted applications, which were forwarded by the District Education Officer (Special Education), Gujranwala, but no formal order had been issued. Upon examination of the relevant records, it is observed that no application from the accused officer requesting leave on medical grounds was ever received by this department. Hence the stance of the accused officer lacks consideration.

12. **AND WHEREAS**, it has been noted that the accused officer faces five charges, one of which pertains to her conduct towards the staff of the Center. It is observed that this charge was substantiated during the inquiry proceedings, supported by statements from all staff members, and findings recorded by the Inquiry Officer corroborate this charge. The second charge relates to the accused officer's unofficial absences and the marking of attendance through proxies. It is observed

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that the accused officer did not utilize the biometric machine for marking attendance, which in itself contravenes various correspondences/directives issued by the Directorate General of Special Education regarding the use of biometric machine for attendance marking. Furthermore, the findings of the Inquiry Officer are consistent with the evidence on record. A review of the attendance register of the center indicates that the accused officer marked attendance without specifying in and out timings. Additionally, the accused officer was found to be absent from duty on multiple occasions during visits conducted by various authorities. According to the records, the accused officer's punctuality and attendance remained consistently poor during her tenure at the Government Special Education Centre, Hafizabad. It has further been found by the Inquiry Officer that the accused officer, while proceeding on leave conducted voting for selection of Incharge in her absence, which shows that she herself created groups amongst the staff of the Centre.

13. **AND WHEREAS**, the third charge pertains to the accused officer's solicitation of funds from teaching staff for various activities of the Center, such as tree plantation, whitewashing, and classroom decoration. The findings of the Inquiry Officer have been evaluated in light of statements provided by teaching staff, which indicate that the accused officer indeed requested funds from them for various center activities. Additionally, the Inquiry Officer noted that despite requests, verified expenditure or reconciled statements from the District Accounts Office, Hafizabad, were not provided, further substantiating the charge. The fourth charge against the accused officer concerns the absence of students from May 17, 2022, to May 31, 2022, and the subsequent recording of their presence in the attendance register through overwriting to justify fuel consumption. The Inquiry Officer annexed copies of attendance registers from various classes, revealing a significant number of special students' absence. Furthermore, statements from staff members, particularly the Psychologist of the Center, corroborate this charge. The Inquiry Officer also attached logbooks indicating regular pick-up and drop-off services for special students during the aforementioned period. The fifth charge relates to the non-availability of DVR/camera recordings. The Inquiry Officer determined that no backup of camera recordings was accessible, suggesting either intentional destruction of recordings or deliberate failure to retain them to conceal pertinent information. The sixth charge involves the accused officer's purported exercise of undue influence for personal gain and illegal gains. The Inquiry Officer referenced the case of Mr. Zaka Ullah, a Junior Clerk, to support these findings. Statements from Center staff members corroborate the charge that the accused officer threatened them with dire consequences and used derogatory language towards non-teaching staff. After considering all the record, it is observed that even if the stance of the accused officer taken by her in written defense that she has been roped in this inquiry by the clerical staff is taken into consideration, it shows lack of leadership and management skills on her part as she could not exercise due diligence and proper checks in discharge of her official duties. Record shows that the accused officer failed to perform her official duties in befitting manner. The accused officer also remained unable to prove that her conduct during her tenure as Headmistress towards performance of her duties was not prejudicial to good service discipline, unbecoming of an officer and does not tantamount to inefficiency and gross misconduct. The accused officer failed to establish her innocence hence, the charges stand proved against her.

Laino Saad

14. **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 Officer, *for reasons stated herein above*, am of the considered view that charges of misconduct and inefficiency stood proved against the accused officer and the penalties recommended by the Inquiry Officer commensurate 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 Officer*, following penalties are hereby imposed upon the accused officer;

- i. **Minor penalty of "Withholding of increments for a period of two years under Section 4(1)(a)(ii) of the PEEDA Act, 2006", and**
- ii. **Major penalty of "Reduction to a Lower Post and Pay Scale from the Substantive Post for a period of two years under Section 4(1)(b)(ii) of the PEEDA Act, 2006".**


(SAIMA SAEED)

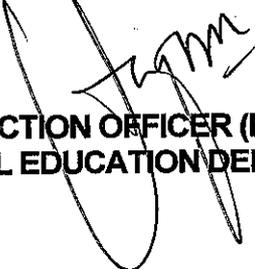
**SECRETARY SPECIAL EDUCATION /
COMPETENT AUTHORITY**

Dated Lahore, the
February 29th 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 Education Officer (Special Education), Lahore to ensure delivery of this order to the accused officer and implementation of the penalties under intimation to this department.
4. Headmaster/Headmistress, Govt. Special Education Centre, Safdarabad to ensure delivery of this order to the accused officer and implementation of the penalties under intimation to this department.
5. Accused Officer concerned / **Ms. Samra Javed**, Headmistress (MC Field), Govt. Special Education Centre, Safdarabad
6. PS to Secretary Special Education Department.


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