

REGISTERED



**GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT**

ORDER

No. SO(Estt)10-331/2010: WHEREAS, disciplinary proceedings through a regular inquiry under the Section 5 read with Section 9 of the PEEDA Act, 2006 were initiated against **Ms. Rahat Sultana**, previously posted as Headmistress (BS-18) Government Special Education Center, Chichawatni, District Sahiwal presently posted at Govt. Special Education Centre, Arifwala, District Pakpattan ('**accused officer No. 1**') and **Syed Azhar Abbas**, Senior Special Education Teacher, (H.I Field) (BS-17), previously posted at Govt. Special Education Centre, Chichawatni presently under suspension and reported to department ('**accused officer No. 2**') (**jointly referred as be as 'accused officers'**) vide order dated 13.10.2023 by appointing Mr. Muhammad Ali Gohar, Principal (BS-19), Government Higher Secondary School of Special Education for Hearing Impaired, Sheikhpura as Inquiry Officer on the following charges of inefficiency and misconduct:

CHARGES AGAINST MS. RAHAT SULTANA

- i. She, *while posted at Govt. Special Education Centre, Chichawatni*, disobeyed the order of District Education Officer (Special Education), Sahiwal and did not relieve Mr. Mazhar Shahzad, Chowkidar, after transfer order dated 27.01.2022 issued by District Education Officer (Special Education), Sahiwal.
- ii. She, *while posted at Govt. Special Education Centre, Chichawatni*, made grouping in the Center and provided unnecessary protection to Mr. Mazhar Shahzad, Chowkidar being a member of her group.

CHARGES AGAINST SYED AZHAR ABBAS

- i. While he was Incharge Headmaster on 30.09.2020, he issued two bogus school leaving certificates both dated 30.09.2020 to the students namely Muhammad Ahmad Jameel s/o Muhammad Jameel, Admission No. 458 and Muhammad Ali Hussain s/o Muhammad Saleem, Admission No. 457 by affixing fake signature of Ms. Rahat Sultana, Headmistress.

2. AND WHEREAS, the Inquiry Officer after conducting inquiry proceedings submitted Inquiry Report, wherein the Inquiry Officer made following recommendations:

Sr. No.	Accused Officer	Recommendations of Inquiry Officer
1.	Ms. Rahat Sultana, Headmistress (BS-18), previously posted at Government Special Education Center, Chichawatni, District	Since the charges No. 1 & 2 stand not proved against the accused officer, hence, she may be " EXONERATED " under section 7(e) of the PEEDA Act,

	Sahiwal. Presently posted at Govt. Special Education Centre, Arifwala, District Pakpattan.	2006.
2.	Syed Azhar Abbas, Senior Special Education Teacher (H.I) (BS-17), Government Special Education Center, Chichawatni, District Sahiwal.	Since the charge stands proved against the accused officer, hence, he may be awarded Minor Penalty of "Withholding of Increments for a period of 2 years" under section 4(1)(a)(ii) of the PEEDA Act, 2006.

3. **AND WHEREAS**, upon receipt of inquiry report, Show Cause cum Personal Hearing Notice under Section 13(4) of the PEEDA Act, 2006 was issued to the accused officer No. 2 directing him to submit additional defense, if any, and also to appear on 14.05.2024 before 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 Hearing Officer alongwith all record under Section 13(4)(e) of the Act *ibid*.

4. **AND WHEREAS**, the Hearing Officer after affording opportunity of personal hearing to the accused officer No. 2 submitted report of hearing proceedings observing therein that the inquiry proceedings have not been conducted in accordance with the provisions of PEEDA Act, 2006, merits of the case have not been appreciated by the Inquiry Officer and due process as provided under the law has not been adopted by the Inquiry Officer. Findings of the Inquiry Officer are not based on cogent, convincing and confidence inspiring evidence. Perusal of record shows that Inquiry Officer failed to take into consideration merits of the case and ignored vital points pertaining to the charges. The recommendations and conclusion drawn by the Inquiry Officer are devoid of reasoning as much as the justification/findings given by the Inquiry Officer are in conflict with the record. No record was examined by the Inquiry Officer while conducting the inquiry officer *viz-a-viz* charge levelled against the Syed Azhar Abbas / accused officer No. 2. Furthermore, the findings of the Inquiry Officer regarding charges levelled against accused officer No. 1 / Ms. Rahat Sultana are also not supported by record and *prima facie* seemed to be based on mere personal assessment (*the assessment of Inquiry Officer is also negated by record*). The Inquiry Officer did not provide opportunity of cross examination to the accused officers and also did not record statement of the complainant / children to whom the alleged forged school leaving certificates were issued. The Inquiry Officer also did not cross-examine the statement of accused officers and has conducted the inquiry in slipshod manner. The Inquiry Officer, while finalizing his recommendations, proposed imposition of minor penalty upon accused officer No. 2, by holding that conduct of the accused officer No. 2 is unbecoming of officer. It has also been noted that while recommending so, the Inquiry Officer omitted to note that the charge which is serious in nature, *as per findings of the Inquiry Officer*, stood fully proved but sufficient incriminating material and evidence has not been attached with the inquiry report to substantiate the findings. During the hearing before the Hearing Officer, the accused officer was also confronted with the contents of Probe Report got conducted earlier, to which he stated that he is unaware of the contents of Probe Report. At this juncture the Departmental Representative was asked whether he produced such report before the Inquiry Officer? to which his reply was in negative. The Departmental Representative further stated that he neither

produced that record before the Inquiry Officer nor the accused officers were provided copy of that report. This statement of the Departmental Representative shows that he failed to discharge his duties as per Section 12 of the Act *ibid*.

5. **AND WHEREAS**, for reasons stated hereinabove, it is proved that there are sufficient grounds to initiate **denovo inquiry** against the accused officers. Therefore, the undersigned being Competent Authority hereby orders initiation of **denovo** disciplinary proceedings against the accused officers under Section 13(6) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 by appointing **Mr. Qaiser Abbas Shah, Principal (BS-19), Govt. Secondary School for Hearing Impaired, Jhang** as Inquiry Officer to proceed against the accused officers in terms of Section 5 read with Section 9 of the Act *ibid*.

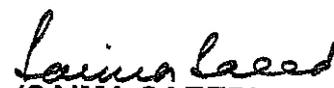
6. The Inquiry Officer shall proceed against the accused officers on the above said charges of inefficiency and misconduct.

7. The accused officers are directed to submit their written defense to the Inquiry Officer, within **07** days of the receipt of this order. If they fail to submit their written defense within the prescribed period, it shall be presumed that either they have no defence to offer or they have declined to offer the same and they have accepted the charges.

8. **Mirza Munawar Hussain**, Superintendent (BS-17), Office of District Education Officer (Spl. Edu.), Sahiwal is appointed as Departmental Representative in terms of Section 9(1)(c) read with Section 12 of the Act *ibid*.

9. In case, the accused officers desire to consult any record on which the aforesaid charges are based or is relevant to the aforesaid charges, she / he may do so with prior arrangement with the Departmental Representative within **03** days of the receipt of this Order.

7. The Inquiry Officer will submit his report and recommendations to the undersigned within sixty days (**60 days**) of the initiation of inquiry in terms of Section 10(6) of the Act *ibid*.


(SAIMA SAEED)

SECRETARY SPECIAL EDUCATION/
COMPETENT AUTHORITY

Dated Lahore the
June 10th, 2024

NO. & DATE EVEN

A copy is forwarded to:-

1. The Director General, Special Education Punjab, Lahore.
2. The District Education Officer (Special Education), Sahiwal.
3. **Mr. Qaiser Abbas Shah**, Principal (BS-19), Govt. Secondary School for Hearing Impaired, Jhang / **Inquiry Officer**.
4. **Mirza Munawar Hussain**, Superintendent (BS-17), Office of District Education Officer (Spl. Edu.), Sahiwal / **Departmental Representative** is directed to ensure delivery of

this order to the accused officers through all possible means, provide complete relevant record to the Inquiry Officer and to the accused officers, *if so requested by them*, and assist the Inquiry Officer on each and every date of hearing proceedings.

5. **Ms. Rahat Sultana**, previously posted as Headmistress (BS-18) Government Special Education Center, Chichawatni, District Sahiwal presently posted at Govt. Special Education Centre, Arifwala, District Pakpattan.
6. **Syed Azhar Abbas**, Senior Special Education Teacher, (H.I Field) (BS-17), previously posted at Govt. Special Education Centre, Chichawatni presently under suspension and reported to department.
7. PS to Secretary Special Education Department.
8. Office order file.



SECTION OFFICER (ESTT.)