

REGISTERED



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT

ORDER

No. SO(Estt)24-65/2019. WHEREAS, through this order representation filed by Mr. Muhammad Ahmad, Computer Instructor (BS-17), Govt. Secondary School for Special Education for HI, Pakpattan ('representationist') for expunction of adverse remarks recorded in his Performance Evaluation Reports ('PERs') for the period w.e.f. 01.04.2021 to 31.12.2021, 01.01.2022 to 31.12.2022 and 01.01.2023 to 31.07.2023 shall be decided.

2. AND WHEREAS, Mr. Muhammad Zubair, Instructor Physical Education (BS-17), former Incharge Headmaster, Govt. Secondary School for Special Education for HIC, Pakpattan, presently posted at Govt. (High) Special Education Centre, Muridkey ('Reporting Officer') recorded the following adverse remarks in Part-I, Part-II & Part-III of the PERs in respect of representationist for the following periods in his capacity as Reporting Officer:

Sr. No.	Period	Remarks
01	01.04.2021 to 31.12.2021	Part-I <u>Integrity</u> "Reported to be corrupt" Part-II <u>Overall Grading</u> "Average" Part-III <u>Usefulness for Retention / Extension in Service</u> "Not useful"
02	01.01.2022 to 31.12.2022	Part-I <u>Integrity</u> "Reported to be corrupt" Part-II <u>Overall Grading</u> "Below Average" Part-III <u>Usefulness for Retention / Extension in Service</u> "Not useful"
03	01.01.2023 to 31.07.2023	Part-I <u>Integrity</u> "Reported to be corrupt" Part-II <u>Overall Grading</u> "Below Average" Part-III <u>Usefulness for Retention / Extension in Service</u> "Not useful"

Muhammad Zubair

3. **AND WHEREAS**, the above referred adverse remarks alongwith a copy of PERs were communicated to the representationist vide letter dated 29.02.2024, for filing representation for expunction of the said adverse remarks, *if deemed necessary*. Subsequently, the representationist filed representation dated 20.03.2024 with the request to expunge the adverse remarks recorded in her PERs.

4. **AND WHEREAS**, the Reporting Officer was directed vide letters dated 25.04.2024 & 14.05.2024 to submit reasons / justifications alongwith documentary evidences for recording adverse remarks in the PERs of the representationist. Accordingly, the Reporting Officer submitted reasons / justifications leading to recording of such adverse remarks.

5. **AND WHEREAS**, in order to decide the representation, it was decided to afford an opportunity of personal hearing to the representationist in presence of all concerned and for said purpose, **Deputy Secretary, Special Education** was appointed as **Hearing Officer**. The Hearing Officer after affording opportunities of personal hearing to the representationist in presence of all concerned submitted report of hearing proceedings stating therein that during the course of personal hearing PERs record of the representationist was thoroughly examined in presence of all concerned and it has been observed that the representationist was appointed in 2019 on contractual basis for a term of five years. By order dated 25.11.2019, he was posted at Government Secondary School of Special Education for HI Pakpattan and commenced duties on 09.12.2019. The PERs for the periods from 09.12.2019 to 31.12.2019 (*a period of less than three months, thus a certificate was provided*), 01.01.2020 to 20.05.2020 to 31.12.2020 and 01.01.2021 to 31.03.2021 contain no adverse entries. The representationist has expressed grievances regarding the remarks recorded in his PERs for the periods from April 1, 2021, to December 31, 2021, January 1, 2022, to December 31, 2022, and January 1, 2023, to July 31, 2023. These remarks, recorded by a single Reporting Officer, are considered adverse by the representationist and are claimed to be detrimental to his service career and potential regularization. The Reporting Officer contends that these adverse remarks were due to the representationist's conduct, performance, attitude towards official duties, and behaviour. During the course of a personal hearing, the Reporting Officer acknowledged the representationist's punctuality and diligent performance of assigned duties. Furthermore, there is no indication in the record that any counseling or warning was issued to the representationist to address the alleged misconduct.

6. **AND WHEREAS**, after examining/considering the record, representation of the representationist, reply filed by Reporting Officer and report of Hearing Officer, it is noted that adverse remarks serve to highlight deficiencies or shortcomings in an employee's work quality, performance, or conduct. These remarks can significantly impact the reputation and overall perception of the individual. It has been observed that the recording of adverse remarks in an officer's PER necessitates robust justifications, which are lacking in this case. The adverse remarks documented in the

Laino Saad

representationist's PERs are deemed unreasonable, irrelevant, and influenced by extraneous factors, failing to align with the available record. The Reporting Officer himself does not contest the representationist's punctuality or his diligent execution of assigned duties. Analysis of the existing record indicates a shortage of sufficient documentary evidence against the representationist that would warrant the inclusion of such adverse remarks by the Reporting Officer.

7. **AND WHEREAS**, upon reviewing the adverse remarks and the justifications provided by the Reporting Officer, it is observed that the adverse remarks recorded by the Reporting Officer are generic, vague and lack specific instances to justify the opinions formed. Therefore, they do not meet the test of reasonableness. The review of the Reporting Officer's stance indicates that the adverse remarks were recorded in retaliation for a complaint filed by the representationist against the Reporting Officer, suggesting that the representationist was subjected to personal bias. It was also admitted by the Reporting Officer during course of hearing that while he was performing duties as Incharge Headmaster, no request for initiation of inquiry against the representationist was ever made. The Reporting Officer has assessed the integrity of the representationist as 'reported to be corrupt', the Reporting Officer was asked to justify this assessment but he miserably failed to do so. It is matter of record that the representationist was not Headmaster / DDO, therefore, assessment of the Reporting Officer *viz-a-viz* his integrity lacks sufficient documentary evidence. It is also established from record that the representationist had no role in financial matters of procurement of the Centre, hence the assessment of the Reporting Officer being bereft of any documentary proof is unworthy of consideration. It is also observed that since sufficient reasons, including documentary material, was not available against the representationist which could compel Reporting Officer to record adverse remarks against the representationist, therefore, the representationist has been made victim of personal bias. In order to substantiate the element of personal bias of the Reporting Officer, the Hearing Officer has referred the conduct and statement made by the Reporting Officer during the course of personal hearing. The Hearing Officer stated in the hearing report that the Reporting Officer, *when failed to justify recording of adverse remarks*, stated that if the representationist agrees to withdraw his statement given against him (*the Reporting Officer*) at different fora, he will reinstate his PERs with good remarks. This stance of the Reporting Officer is sufficient to show that adverse remarks recorded by him are biased, conditional and devoid of justification, hence not sustainable in view of peculiar circumstances of the case and even in the eyes of law. It is also not discernible from record that any counseling session was held for the representationist, in order to caution him for the alleged conduct.

8. **NOW, THEREFORE**, I, **Saima Saeed**, Secretary Special Education / Competent Authority in this case, *for reasons stated herein above*, am of the view that the afore-referred adverse remarks are biased, un-justified, contrary to the record and not sustainable, as the available record does not provide basis or direct evidence for recording of such adverse remarks by the Reporting Officer. Neither has the Reporting Officer been able to substantiate the same with any reasoning or evidence nor any justifiable document or evidence has been put forth by the Reporting Officer to agree

Saima Saeed

with his assessment. Therefore, the representation of the representationist for expunction of adverse remarks recorded in her PERs is hereby **allowed / accepted**. Consequently, impugned adverse remarks recorded in the PERs of the representationist for the period w.e.f. 01.04.2021 to 31.12.2021, 01.01.2022 to 31.12.2022 and 01.01.2023 to 31.07.2023 stand expunged and scored out as to render these illegible.



**(SAIMA SAEED)
SECRETARY**

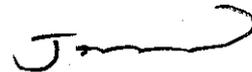
**GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
COMPETENT AUTHORITY**

**Dated Lahore the
July 31st /2024**

No. & Date even:

A copy is forwarded for information and necessary action to:-

1. The Director General, Special Education, Punjab, Lahore.
2. The District Education Officer (Special Education), Sahiwal.
3. Headmaster/Headmistress, Govt. Secondary School for Special Education for HI, Pakpattan.
4. **Mr. Muhammad Ahmad**, Computer Instructor (BS-17), Govt. Secondary School for Special Education for HI, Pakpattan.
5. **Mr. Muhammad Zubair, Instructor Physical Education (BS-17)**, former Incharge Headmaster, Govt. Secondary School for Special Education for HIC, Pakpattan, presently posted at Govt. (High) Special Education Centre, Muridkey.
6. PS to Secretary, Special Education Department.



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