

REGISTERED



ORDER

**GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT**

No. SO(Estt)21-352/18: WHEREAS, disciplinary proceedings through a regular inquiry under the Section 5 read with Section 9 of the PEEDA Act, 2006 (**'Act'**) were initiated against **Ms. Nazia Mushtaq**, Senior Special Education Teacher (H.I Field / BS-17), former Incharge Headmistress, Govt. Special Education Centre, Layyah presently under suspension and reported to department (**'accused officer No. 1'**) and **Ms. Rehana Ambreen**, Senior Teacher (BS-18/Personal), previously posted as District Education Officer (Special Education), D.G. Khan, presently awaiting posting in this department (**'accused officer No. 2'**) (**jointly referred as be as 'accused officers'**) vide order dated 02.04.2024 by appointing Mr. Muhammad Mushtaq, Principal (BS-19), Government Secondary School for Hearing Impaired (Boys), Mianwali as Inquiry Officer on the following charges of inefficiency and misconduct:

CHARGES AGAINST MS. NAZIA MUSHTAQ

Being Incharge Headmistress of Govt. Special Education Centre, Layyah, Ms. Nazia Mushtaq was responsible for overseeing administrative matters of the Centre but she failed to discharge her duties in befitting manner and her negligence is apparent from the fact that Ms. Nazia Mushtaq failed to get stopped the salary of Ms. Ruqayyah Malik, Psychologist (BS-17), Govt. Special Education Centre, Layyah who was absent from duty w.e.f. 01.11.2021 and accordingly, Ms. Ruqayyah Malik, *during the period of her willful absence w.e.f. 01.11.2021*, withdrew her salary till September 2022 (almost 11 months), which caused huge financial loss to the Government exchequer amounting to Rs. 10,00,000/- (One Million Rupees approx.).

CHARGES AGAINST MS. REHANA AMBREEN

Being former District Education Officer (Special Education), D.G. Khan, Ms. Rehana Ambreen at the time failed to promptly report the absence of Ms. Ruqayyah Malik, Psychologist (BS-17), Govt. Special Education Centre, Layyah to the Competent Authority, which caused delay in initiation of disciplinary proceedings against Ms. Ruqayyah Malik. Moreover, Ms. Rehana Ambreen also failed to ensure that salary of Ms. Ruqayyah Malik, *who was unauthorizedly absent from duty w.e.f. 01.11.2021*, is stopped

immediately. Due to inefficiency of Ms. Rehana Ambreen, Ms. Ruqayyah Malik, during the period of her willful absence w.e.f. 01.11.2021, withdrew salary till September, 2022 which caused huge financial loss to the Government exchequer amounting to Rs. 10,00,000/- (One Million Rupees approx.).

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

Sr. No.	Name of accused officer	Recommendations
1.	Ms. Nazia Mushtaq, Senior Special Education Teacher (H.I Field/ BS-17), Ex-Incharge Headmistress, Govt. Special Education Centre Layyah presently reported to Department (accused officer No.1)	Since the charge stands proved against the accused officer, hence, she may be awarded following penalties: i. Major Penalty of "Recovery from Pay amounting to Rs. 819,572/-" under section 4(1)(b)(i) of the PEEDA Act, 2006 ii. Major Penalty of "Reduction to a lower post and pay scale from a substantive post for a period of two years" under section 4(1)(b)(ii) of the PEEDA Act, 2006.
2.	Ms. Rehana Ambreen, Senior Teacher (BS-18/Personal) Ex-District Education Officer (Special Education) D.G. Khan presently awaiting posting in the Department (accused officer No.2)	Since the charge stands not proved against the accused officer, hence, she may be "EXONERATED" under section 7(e) 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. 1 directing her to submit additional defense, *if any*, and also to appear on 11.07.2024 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. 1 and fulfilling all codal formalities submitted report of hearing proceedings observing therein that as per available record, findings of the Inquiry Officer are not based on cogent, convincing and confidence inspiring evidence. The 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. The findings of the Inquiry Officer regarding charges levelled against Ms. Rehana Ambreen 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 failed to substantiate the findings recorded in the inquiry report. The Inquiry Officer did not provide opportunity of cross examination to the accused officers and also did not consult the record. Ms. Nazia Mushtaq forwarded the absence report of Ms. Ruqaya Malik to DEO Office which was never forwarded to DG office by DEO office and no reason for its non-submission has been put forth but the inquiry officer did not appreciate this fact. Moreover, Inquiry Officer also did not cross-examine the statement of accused officer No. 1 and has conducted the inquiry in slipshod manner. The Inquiry Officer, while finalizing his recommendations, *proposed imposition of major penalties upon accused officer No.1*, by holding that conduct of the accused officer No. 1 is unbecoming of officer. While recommending so, the Inquiry Officer omitted to note that the accused officer No. 1 was inducted into service as SSET and she is still performing her duties as SSET, hence penalty of reduction to lower grade cannot be awarded to her.

5. **AND WHEREAS**, *for reasons stated hereinabove*, it is proved that there are sufficient grounds to initiate *de novo inquiry* against the accused officers. Therefore, the undersigned being Competent Authority hereby orders initiation of *de novo* disciplinary proceedings against the accused officers under Section 13(6) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 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 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. **Deputy District Education Officer (Spl. Edu.), D.G. Khan** 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, they may do so with prior arrangement with the Departmental Representative within **03** days of the receipt of this Order.

10. 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)

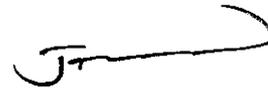
SECRETARY SPECIAL EDUCATION/
COMPETENT AUTHORITY

Dated Lahore the
September 09th, 2024

NO. & DATE EVEN

A copy is forwarded to:-

1. The Director General, Special Education Punjab, Lahore.
2. The District Education Officer (Special Education), D.G. Khan.
3. **Mr. Shahid Abbas**, Principal (VI Field/BS-19), Govt. (High) Special Education Centre, Shalimar Town, Lahore / **Inquiry Officer**.
4. **Deputy District Education Officer (Spl. Edu.), D.G. Khan / 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. Rehana Ambreen**, Senior Teacher (BS-18/Personal), previously posted as District Education Officer (Special Education), D.G. Khan, presently awaiting posting in this department.
6. **Ms. Nazia Mushtaq**, SSET (H.I Field / BS-17), ex-Incharge Headmistress, Govt. Special Education Centre, Layyah presently under suspension and reported to department.
7. PS to Secretary Special Education Department.
8. Office order file.



SECTION OFFICER (ESTT.)
SPECIAL EDUCATION DEPARTMENT