

REGISTERED



**GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT**

ORDER

No. SO(Estt)4-34/2019. WHEREAS, disciplinary proceedings under Section 3 read with Section 5 and 9 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 ('Act') were initiated against **Ms. Farwa Rubab**, Senior Special Education Teacher (HI Field / BS-17) formerly posted as Headmistress, Government Special Education Centre, Jhang City presently under suspension and reported to department on the following charges of inefficiency, misconduct and corruption vide order dated 12.03.2024 by appointing Mr. Asad Ullah (BS-18), District Education Officer (Spl. Edu.), Gujranwala as Inquiry Officer:

- I. Mr. Abdul Sattar, former District Education Officer (Spl. Edu.), Faisalabad in his capacity as Reporting Officer recorded adverse remarks i.e., in the column of Integrity "Reported to be corrupt", in the column of Overall Grading "Below Average" and in the column of Usefulness for Retention / Extension in Service "Not useful" in the PERs of **Ms. Farwa Rubab**, Senior Special Education Teacher (HI Field / BS-17) posted as Headmistress, Government Special Education Centre, Jhang City, for the periods w.e.f. 18.06.2020 to 31.12.2020, 01.01.2021 to 31.12.2021 and 01.01.2022 to 31.12.2022. The said adverse assessment is attributed to poor performance, financial indiscipline and non-compliance with Procurement Rules by Ms. Farwa Rubab.
- II. The performance of **Ms. Farwa Rubab**, Senior Special Education Teacher (HI Field / BS-17) posted as Headmistress, Government Special Education Centre, Jhang City, remained subpar w.e.f. 18.06.2020 till 31.12.2022 because she did not carry out her responsibilities in a suitable manner, in accordance with applicable standards.
- III. Ms. Farwa Rubab is in habit to remain absent from duty without proper intimation, permission, or approval of leave. She failed to fulfill the responsibilities assigned to her.
- IV. Mr. Abdul Sattar being Reporting Officer counseled Ms. Farwa Rubab on multiple occasions but on account of her persistent subpar performance, written explanations, warnings, and expressions of displeasure were issued, serving as alerts regarding her alleged conduct. Despite these efforts, Ms. Farwa Rubab failed to rectify her performance.
- V. Ms. Farwa Rubab was in habit to disregard instructions and orders issued by District Education Officer (Spl. Edu.), Faisalabad. When she was requested to provide any information, she consistently refused, citing the conclusion of the school hours as the reason for non-compliance. The poor performance of Ms. Farwa Rubab is evident from the dormant cases pertaining to Dengue activities.
- VI. During the visit of the then District Education Officer (DEO), Faisalabad to the Centre on 12.11.2022, out of total 102 enrolled students, only two students were present. Whereas, in another institute i.e., Govt. National

Education Centre (Devolved), Jhang, situated in the same premises, attendance rate was 70%. During the visit of the then DEO, Faisalabad on 12.11.2022, behaviour of Ms. Farwa Rubab was unprofessional and non-cooperative with him which shows poor performance and inefficiency of Ms. Farwa Rubab.

VII. Ms. Farwa Rubab failed to ensure application of Punjab Procurement Rules, 2014 while making procurements, thus caused loss to Govt. exchequer. She also failed to maintained relevant registers including stick registered which shows her poor performance.

2. **AND WHEREAS**, the Inquiry Officer after conducting thorough inquiry in accordance with provisions of the PEEDA Act, 2006, submitted inquiry report wherein the Inquiry Officer recommended imposition of minor penalty of 'withholding of one increment for a specific period of one year' upon the accused officer.

3. **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 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 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 stance taken by her in additional defense reply 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 that the Inquiry Officer also failed to give any persuasive reason in the inquiry report for award of proposed penalty to her. Lastly, she requested that the charges are baseless and devoid of merit, therefore, she may be exonerated from the charges.

5. **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 Officer in accordance with the provisions of PEEDA, Act, 2006. The Departmental Representative further stated that during the course of inquiry proceedings, all record was thoroughly scrutinized and statements of all concerned were recorded in the presence of the accused officer and right of cross examination was also granted to the accused officer. He further stated that penalty proposed by the Inquiry Officer commensurate with the guilt of accused officer. The Departmental Representative further stated that the stance taken by the accused officer in written reply submitted during the inquiry proceedings

and in additional defense reply is fallacious being devoid of merits and also being negated by record.

6. **AND WHEREAS**, after hearing the submissions of the accused officer and the Departmental Representative, examining the additional defense presented by the accused officer, and reviewing the case materials, including the inquiry report, the Hearing Officer has carefully considered the findings and recommendations of the Inquiry Officer. It has been observed by the Hearing Officer that due process mandated by law was adhered to throughout the proceedings, and the accused officer was afforded full, fair, and ample opportunity including opportunity of cross examination to present her defense and establish her innocence. After a thorough examination of the record and careful evaluation of all statements recorded during the inquiry, it is determined that the accused officer is guilty of inefficiency and misconduct, with her delinquency duly established, whereas charges viz-a-viz corruption remained unproved. Furthermore, the Hearing Officer noted that the accused officer has not introduced any new or substantial evidence in her additional defense that would effectively counter the evidence already on record. Upon a comprehensive review of the case, it is observed by the Hearing Officer that the penalty recommended by the Inquiry Officer is proportionate to the gravity of the accused officer's misconduct.

7. **AND WHEREAS**, review of the findings and recommendations of the Inquiry Officer, the additional defense reply submitted by the accused officer, and the report of the Hearing Officer, along with the record available in the file, reveals that the inquiry proceedings were conducted in strict accordance with the provisions of the PEEDA Act, 2006, and that due process, as mandated by law, was duly observed 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. The record indicates that the Inquiry Officer, after having applied a judicious mind and met all legal requirements, *including recording statements of all relevant parties and ensuring the accused officer's right to cross-examination*, has appropriately recommended the imposition of a penalty. Prima facie, this recommendation aligns with both the record and the spirit of the law.

8. **AND WHEREAS**, it is further observed that the accused officer has been charged with seven charges related to inefficiency, misconduct, and corruption. The record clearly demonstrates that the accused officer's performance was subpar and average, as she failed to execute her duties in a proper and competent manner, despite receiving multiple warnings and expressions of displeasure. The evidence surfaced during the course of inquiry indicates that the accused officer disregarded instructions and orders issued by the then District Education Officer (Special Education), Faisalabad. Moreover, it was also established during the inquiry that she refused to provide the requisite data to the higher office, citing the closure of school hours as her reason for non-compliance. It is an uncontested fact that on November 12, 2022, only 2 out of 102 enrolled students were present at the Centre, whereas, in another Centre located within the same premises, 70% of students were present. Although the accused officer admitted that only 2 students were present in her Centre on that date, she denied the attendance of 70% of students in the adjacent

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Centre. However, she failed to provide any evidence to substantiate her stance and to disprove the findings of the Inquiry Officer in this regard. It was further established during the course of inquiry proceedings that the accused officer violated PPRA Rules by authorizing payment in the month of June, whereas the delivery of items occurred in the month of August, hence the charges viz-a-viz inefficiency and misconduct stood proved against her. It is also pertinent to observe that right of cross examination was granted to the accused officer but despite exercising such right she could not bring on record anything in her favour. It is also observed that regarding the charges that were partially proved during the inquiry proceedings, the findings of the Inquiry Officer have been carefully considered in light of the evidence presented during the inquiry, and it has been found that the findings of the Inquiry Officer corroborate with these charges. The Inquiry Officer has also annexed certain documents to substantiate the findings, indicating that the complete record was thoroughly examined while arriving at a decision. A detailed examination of the inquiry report, along with the attached record, reveals that the accused officer neglected to perform her assigned duties with due diligence, leading to conduct that is detrimental to the standards of effective service. The assertions made by the accused officer in her additional defense reply lack substantiation and do not counter the evidence or findings of the Inquiry Officer.

9. **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 inefficiency and misconduct have been proved / partially proved against the accused officer and the penalty recommended by the Inquiry Officer duly commensurates with the gravity/severity of guilt of the accused officer. Therefore, in exercise of powers vested in me under Section 13(5)(ii) read with Section 4 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006, *while agreeing with the recommendations of the Inquiry Officer and while taking lenient view*, do hereby impose minor penalty of **“withholding of annual increments for a period of one year”** under Section 4(1)(a)(ii) of the Act *ibid* upon the accused officer.


(SAIMA SAEED)

SECRETARY SPECIAL EDUCATION /
COMPETENT AUTHORITY

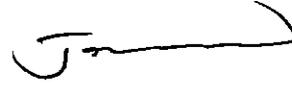
Dated Lahore, the
September 18th/2024

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

6. Headmaster/Headmistress, Government Special Education Centre, Jhang City to ensure delivery of this order to the accused officer and implementation of the penalty under intimation to this department.
7. Ms. Farwa Rubab, Senior Special Education Teacher (HI Field / BS-17) formerly posted as Headmistress, Government Special Education Centre, Jhang City presently under suspension and reported to department
8. PS to Secretary Special Education Department.



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