

REGISTERED



**GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT**

ORDER

No. SO(Estt) 23-191/2020. WHEREAS, a news item aired on electronic media in which it was contented that a special-need / physically handicapped student of Govt. Special Education Centre, Pir Mahal namely Ms. Zainab is ascending stairs by way of crawling during school hours. While taking serious notice of this incident, Special Education Department directed the Director (Admn), Directorate General Special Education, Punjab, Lahore to probe the matter and submit a comprehensive report of the incident.

2. AND WHEREAS, Director (Admn), Directorate General of Special Education after visiting Govt. Special Education Centre, Pir Mahal submitted report dated 04.12.2023 and recommended initiation of disciplinary proceedings against **Hafiz Muhammad Faisal**, Junior Special Education Teacher (BS-16 / PD Field), Incharge Headmaster, Govt. Special Education Centre, Pir Mahal, presently *under suspension* and reported to department ('**accused officer No. 1**) and **Ms. Pinkee Sadia Yousaf**, Junior Special Education Teacher (BS-16 / MC Field), previously posted at Govt. Special Education Centre, Pir Mahal presently *under suspension* and reported to department ('**accused officer No. 2**) (**both officers are hereinafter jointly referred as 'accused officers'**) on the charges of inefficiency and misconduct.

3. AND WHEREAS, keeping in view the severity of the allegations, disciplinary proceedings through a regular inquiry under Section 5 read with Section 9 of the PEEDA Act, 2006 ('**Act**') were initiated against the accused officers by appointing an inquiry officer vide order of inquiry dated 19.12.2023, on the following charges of misconduct and inefficiency:

**CHARGES AGAINST HAFIZ MUHAMMAD FAISAL /
ACCUSED OFFICER NO.1**

- i. The accused officer's performance during his tenure as Incharge Headmaster has remained poor, as he failed to fulfil his duties in a manner consistent with established standards. Manifestations of inefficiency and mismanagement are evident, notably in the relocation of the classroom for physically handicapped students to the first floor of the Centre, where no ramp was available. This decision has resulted in difficulties for Ms. Zainab and other special-needs / physically handicapped students when navigating the stairs.
- ii. As the designated Headmaster Incharge, the accused officer neglected to oversee the diligent and efficient performance of the teaching and allied staff at the Centre. Furthermore, there is a failure to ensure that the staff refrained from engaging in any

Larva laaad

unethical activities / recording of activities of students through their personal mobiles with mala fide intentions.

- iii. Ensuring the safety of special students constitutes a primary responsibility of the accused officer, who served as the Incharge Head of the Centre. However, the accused officer failed to observe and address the situation wherein a physically handicapped female student, Ms. Zainab, was coerced on 24.10.2023 at about 08:44 a.m. into ascending the stairs through crawling by Ms. Pinkee Sadia Yousaf, JSET. Moreover, said incident's video was also recorded by Ms. Pinkee Sadia Yousaf, JSET with the intention of disseminating it on social media, potentially tarnishing the reputation of the Centre and Special Education Department in the eyes of public at large.
- iv. The accused officer, having knowledge of the incident that took place on the 24th of October 2023 at approximately 08:44 a.m., i.e., wherein a physically handicapped female student, Ms. Zainab, was persuaded to climb stairs by way of crawling, and the subsequent recording of a video of this incident by Ms. Pinki Sadia Yousaf, a Junior Special Education Teacher JSET, intentionally withheld this information from higher authorities, including but not limited to the District Education Officer (Special Education), Faisalabad. The accused officer failed to report the incident to the higher authorities and neglected to take prompt action. Consequently, the video circulated on social media, which adversely impacted the reputation of the Centre and the Special Education Department.
- v. The conduct and performance of the accused officer during his tenure as Incharge Headmaster remained below average. This is attributable to his failure to fulfil his responsibilities in a manner in line with established standards. He evaded his substantive duty as JSET (Physically Handicapped Field) and handed over his class to a teacher of blind field. Such conduct had badly impacted the seamless execution of educational activities.

**CHARGES AGAINST MS. PINKEE SADIA YOUSAF /
ACCUSED OFFICER NO. 2**

- i. The primary responsibility of ensuring the safety of special students rests with the accused officer. However, the accused officer engaged in instigating a physically handicapped female student, Ms. Zainab, to ascend stairs through crawling and by doing so she jeopardized the safety of said student. The accused officer instead of stopping the physically handicapped female student, Ms. Zainab, to ascend stairs through crawling or instead of helping her, instigated the said student to do so. Moreover, the accused officer recorded a video of this incident with malicious intent. Subsequently, the accused officer shared the said video on social media through unrelated individual(s), intending to tarnish the reputation of both the Centre and the Special Education Department. By doing these acts, the

Zainab Saad

accused officer violated the right of safety and privacy of the said student.

- ii. The performance of the accused officer remained subpar because she did not carry out her responsibilities in a suitable manner, in accordance with applicable standards, and continued to interfere in the administrative affairs of the Centre and created unnecessary feud with the Incharge Headmaster, which impeded administrative procedures and created administrative hurdles for the Incharge Headmaster.

4. **AND WHEREAS**, the Inquiry Officer after conducting the inquiry into the charges submitted Inquiry Report, where-after, Show Cause Cum Personal Hearing Notice under Section 13(4) of the Act *ibid* was issued to the accused officers and also appointed Deputy Secretary, Special Education / Hearing Officer for affording an opportunity of personal hearing to the accused officers. The Hearing officer after affording an opportunity to the accused officers submitted hearing report. Keeping in view the facts emerged during hearing proceeding and deficiencies pointed out in the inquiry report, in exercise of powers conferred under Section 13(6) of the Act *ibid*, **de-novo inquiry** proceedings were initiated against the accused officers vide order dated 15.04.2024 by appointing **Mr. Zia Razzaq**, Psychologist (BS-17), Incharge Headmaster, Govt. (Secondary) Special Education Centre for Four Disabilities, Samundari as Inquiry Officer to proceed against the accused officers on the above mentioned charges of inefficiency and misconduct in terms of Section 5 read with Section 9 of the Act *ibid*.

5. **AND WHEREAS**, the Inquiry Officer after conducting thorough inquiry into the charges in accordance with the law and affording opportunity of cross examination to the accused officers, submitted Inquiry Report, wherein the Inquiry Officer concluded that all charges stood proved against the accused officers, hence keeping in view gravity / severity of the proven charges, he recommended imposition of following penalties upon the accused officers:

Sr. No.	Name of accused officer	Penalty Recommended
1.	Hafiz Muhammad Faisal , Junior Special Education Teacher (BS-16 / PD Field), former Incharge Headmaster, Govt. Special Education Centre, Pir Mahal, presently under suspension and reported to department.	"The charges stand fully proved, hence he may be awarded major penalty of removal from service under Section 4(1)(b)(v) of the PEEDA Act 2006".
2.	Ms. Pinkee Sadia Yousaf , Junior Special Education Teacher (BS-16 / MC Field), previously posted at Govt. Special Education Centre, Pir Mahal, presently under	"The charges stand fully proved, hence she may be awarded major penalty of removal from service under Section 4(1)(b)(v) of the PEEDA Act 2006".

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	suspension and reported to department.	
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6. **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 officers directing them to submit additional defense, *if any*, and also to appear 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*.

7. **AND WHEREAS**, the Hearing Officer after granting opportunity of personal hearing to the accused officers in presence of Departmental Representative submitted report of hearing proceedings stating therein that during the hearing proceedings, the accused officers submitted additional defense replies and while reiterating the stance taken by them in additional defense replies and stance already taken by them during inquiry proceedings, *inter alia*, contended that charges levelled against them are against the facts and record. They denied the charges and stated that no *mala fide* was involved in the matter. Lastly, they requested that the charges are baseless and devoid of merit, therefore, they may be exonerated from the charges.

8. **AND WHEREAS**, the Departmental Representative stated that all record related to the charges including video recordings was provided to the accused officers 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 officers and right of cross examination was also granted to the accused officers. The Departmental Representative further apprised that all the charges of inefficiency and misconduct levelled against the accused officers stood fully proved. He further stated that penalties proposed by the Inquiry Officer commensurate with the guilt of accused officers. The Departmental Representative further stated that the stance taken by the accused officers in the written replies submitted by them during the inquiry proceedings and in additional defense replies submitted during the course of personal hearing are fallacious being devoid of merits and the same is also negated by record.

9. **AND WHEREAS**, after hearing the accused officers, Departmental Representative, examining the additional defense of the accused officers 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 during inquiry proceedings the accused officers were provided full, fair and complete opportunities including right of cross examination, to vindicate their stance and prove their innocence. 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

Lavina Saad

questioned by the accused officers during the hearing proceedings. After thorough examination of record and after evaluating the statements of all concerned recorded during course of inquiry proceedings it is found that the accused officers have been found guilty of inefficiency and misconduct and their delinquency stood proved. The Hearing Officer observed that no new plausible piece of evidence has been brought on record by the accused officers, through additional defense replies submitted during course of personal hearing, to rebut the evidence already available on record. The Hearing Officer was of the view that the penalties recommended by the Inquiry Officer commensurate with gravity of guilt of the accused officers.

10. **AND WHEREAS**, perusal of findings and recommendations of the Inquiry Officer, additional defense replies submitted by accused officers and report of Hearing Officer coupled with record available in file shows that de novo 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 officers failed to substantiate their 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 perusal of record that Inquiry Officer after applying judicious mind and fulfilling all requirements of law, *including recording statement of all concerned and providing right of cross examination to the accused officers*, has recommended imposition of penalties. *Prima facie* the same are in consonance with the record and spirit of the law. It is also observed that the accused officers failed to discharge their duties, as assigned to them, efficiently and their conduct remained prejudicial to good service. It has also been observed that stance of accused officers taken by them in additional defense replies is devoid of any justification.

11. **AND WHEREAS**, with regards to charges levelled against accused officer No. 1, it is observed that all the charges stood proved during course of inquiry proceedings. The Inquiry Officer after conducting the inquiry into the charges levelled against accused officer No.1 observed that the accused officer No.1 in order to accommodate a female teacher, who met an accident and thereby her bone was dislocated/fractured, shifted the whole class of physically handicapped students to the 1st floor of the Centre which manifestly shows that this act of the accused officer No.1, *who was also entrusted the charge of the post of Headmaster of the Centre*, was not aimed towards the welfare of special students. Charge No.1 levelled against the accused officer also relates to shifting / relocation of class room of physically handicapped students to the first floor of the Centre, where no ramp was available. It is an established position, *that also stood proved during the course of inquiry proceedings*, that this decision of the accused officer No.1 being devoid of any logical reasoning, taken without considering the hardships to be faced by the special students and against the ethical and moral norms, resulted in difficulties to the special needs students especially Ms. Zainab for her navigation towards the class

Laiqa Saad

room through stairs. Hence, the charge has been proved by the record. As far as charge No.2 and 3 are concerned, the accused officer No.1 remained inefficient in performance of his duties as he failed to supervise the activities of the teaching staff during the official school hours. It stood proved during course of inquiry that due to wrong decision of the accused officer No.1 (shifting of class of handicapped students to first floor), a female teaching staff (*Ms. Pinkee Sadia Yousaf, JSET / accused officer No. 2*) recorded the video of a female handicapped student named Ms. Zainab on 24.10.2023 at about 08:44 A.M while said student was ascending the stairs by crawling. The female teaching staff namely Ms. Pinkee Sadia Yousaf, JSET recorded this video with the intention to tarnish the reputation of the Centre in the eyes of public at large. The failure of the accused officer No.1 to oversee the activities of the staff shows that his conduct is unbecoming of an officer. As far as charge No. 4 is concerned, it was also proved during the inquiry that the accused officer No.1 despite having knowledge of recording of video failed to inform higher authorities for taking appropriate measures and he also himself failed to take any action. Due to non-serious attitude of the accused officer No.1, the illegally, unlawfully and un-authorizedly recorded video was circulated on social media which adversely affected the reputation of the Centre and violated rights of the female students. With regards to Charge No.5, it was proved that the accused officer No.1 during his tenure as Incharge Headmaster evaded his substantive duty as JSET (Physically Handicapped Field) and did not take any class during his tenure as Incharge Headmaster. Furthermore, he handed over his class to a teacher of blind field. Nonetheless the conduct exhibited by the accused officer No.1 in discharge of his official duties badly impacted the seamless execution of educational activities. Hence, the charge No. 5 also stood proved against him.

12. **AND WHEREAS**, with regards to charges levelled against accused officer No. 2, it is observed that all the charges stood proved during course of inquiry proceedings. The Inquiry Officer after conducting the inquiry into the charges levelled against Ms. Pinkee Sadia Yousaf observed that Ms. Pinkee Sadia Yousaf while jeopardizing the safety of special students, on 24.10.2023 at about 08:44 A.M unauthorizably recorded a video of a special student named Ms. Zainab while she was ascending the stairs by crawling and shared the same on social media through unrelated individuals. It is further observed that sufficient reasons and justifications have been mentioned in the inquiry report by the Inquiry Officer to substantiate the charges and role of the accused officer No.2 in recording the video. It is also observed that the video recording of the incident (*no objection qua genuineness / veracity of the video has been raised by the accused officers and it is admitted by the accused officers that the video was recorded in the Centre and same is genuine*) shows that while the handicapped student was ascending the stairs, the accused officer No.2 also ascending the stairs and she did not extend any help to her, nor she called anyone for help. The video recordings / CCTV recordings of the Centre, *of the time of recording of alleged video*, shows that the accused officer No.2 was on the first floor of the Center and she was the only one who was outside the class room. The Inquiry Officer thoroughly examined the case and arrived at the conclusion that Ms. Pinkee Sadia Yousaf recorded the said video in order to create hurdles for the Incharge Headmaster in execution of administrative duties. In nutshell, all the

Saima Saad

charges stand proved by the record.

13. **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 levelled against accused officers as mentioned in the charge sheet stood proved and the penalties recommended by the Inquiry Officer commensurate with gravity/severity of guilt of the accused officers. 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*, following penalties are hereby imposed upon the accused officers;

Sr. No.	Name of the accused officer	Penalty imposed
1.	Hafiz Muhammad Faisal , Junior Special Education Teacher (BS-16 / PD Field), former Incharge Headmaster, Govt. Special Education Centre, Pir Mahal, presently under suspension and reported to department.	Major penalty of 'removal from service' under Section 4(1)(b)(v) of the PEEDA Act 2006 and accordingly as per Clause 3(XVIII)(8) of the Contract Appointment Policy, 2004, his contract is hereby terminated.
2.	Ms. Pinkee Sadia Yousaf , Junior Special Education Teacher (BS-16 / MC Field), previously posted at Govt. Special Education Centre, Pir Mahal, presently under suspension and reported to department.	Major penalty of 'removal from service' under Section 4(1)(b)(v) of the PEEDA Act 2006" and accordingly as per Clause 3(XVIII)(8) of the Contract Appointment Policy, 2004, her contract is hereby terminated.

Saima Saeed
(SAIMA SAEED)

SECRETARY SPECIAL EDUCATION /
COMPETENT AUTHORITY

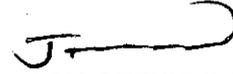
Dated Lahore, the
September 18th /2024

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, Toba Tek Singh.
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 officers and implementation of the penalties under intimation to this department.
6. Headmaster/Headmistress, Special Education Centre, Pir Mahal to ensure delivery of this order to the accused officers and implementation of the penalties under intimation to this department.

7. Accused officer No. 1 / Hafiz Muhammad Faisal, Junior Special Education Teacher (BS-16 / PD Field), former Incharge Headmaster, Govt. Special Education Centre, Pir Mahal, presently under suspension and reported to department. **Resident of PO Khas, Dholan, Tehsil and District Kasur.**
8. Accused officer No. 2 / Ms. Pinkee Sadia Yousaf, Junior Special Education Teacher (BS-16 / MC Field), previously posted at Govt. Special Education Centre, Pir Mahal, presently *under suspension* and reported to department. **Resident of House No. 1/2, Street No. 33, Sahowari Sunny View Park, Shalimar Link Road, Mughal Pura, Lahore.**
9. PS to Secretary Special Education Department.



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