

REGISTERED



**GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT**

ORDER

Samina Nawaz

No. SO(ESTT.)1-112/2006-BF. WHEREAS, Chief Executive Officer, District Education Authority, Jhang, vide letter dated 24.09.2022 requested for taking strict disciplinary action against **Ms. Samina Nawaz**, Senior Special Education Teacher (PD Field / BS-17), formerly posted as Incharge Headmistress at Govt. Special Education Centre for 02-Remaining Disabilities, Jhang presently under suspension and reported to department and others on account of non-compliance of Government orders dated 26.07.2021. Upon receipt of reference from Chief Executive Officer (District Education Authority), Jhang, Director General, Directorate General of Special Education Punjab was directed vide letter dated 05.12.2022 to examine the issue and conduct a probe by deputing an officer of BS-18 to ascertain the facts / specific role of each person involved in the case. Pursuant thereof, Deputy Director (Admn), Directorate General of Special Education Punjab vide letter dated 31.01.2024 forwarded a probe report conducted by Mrs. Nazia Jabeen, Probe Officer / Headmistress, Govt. Special Education Centre for MCC, Faisalabad wherein the probe officer after examining all the record and recording statements of all concerned staff, recommended that disciplinary proceedings on the charges of defiance of order may be initiated against **Ms. Samina Nawaz**, Senior Special Education Teacher (PD Field / BS-17), formerly posted as Incharge Headmistress, Govt. Special Education Centre for 02-Remaining Disabilities, Jhang presently under suspension and reported to department ('**accused officer No.1**') and **Ms. Farwa Rubab**, Senior Special Education Teacher (H.I Field/BS-17), previously posted as Headmistress, Govt. Special Education Centre, Jhang City presently under suspension and reported to department ('**accused officer No.2**').

2. **AND WHEREAS**, upon receipt of above report and keeping in view sufficient grounds to proceed against the accused officers, joint disciplinary proceedings through a regular inquiry under the PEEDA Act, 2006 were initiated against the accused officers by appointing Mr. Faryad Hussain (BS-18), District Education Officer (Special Education), Sargodha as Inquiry Officer on the following charges of misconduct and inefficiency;

CHARGE AGAINST MS. SAMINA NAWAZ, SSET (ACCUSED OFFICER NO.1)

The District Education Authority, Jhang, after observing all relevant codal and procedural formalities, issued a notification dated 26.07.2021, regarding shifting / merger of Govt. Special Education Centre for 02-Remaining Disabilities, Jhang into Govt. Special Education Centre, Jhang City, Jhang alongwith staff, physical assets and liabilities. Subsequently, District Education Officer (Special Education), Faisalabad, through an order dated 31.07.2021, instructed the accused officer to comply with the aforementioned notification / order. However, the accused officer failed to adhere to the decision contained in notification dated 26.07.2021 issued by the District Education Authority, Jhang. This non-compliance with the order

concerning the shifting / merger of institutions constitutes defiance of the order and demonstrates the inefficiency and misconduct of the accused officer.

CHARGE AGAINST MS. FARWA RUBAB, SSET (ACCUSED OFFICER NO.2)

The District Education Authority, Jhang, after observing all relevant codal and procedural formalities, issued a notification dated 26.07.2021, regarding shifting / merger of Govt. Special Education Centre for 02-Remaining Disabilities, Jhang into Govt. Special Education Centre, Jhang City, Jhang alongwith staff, physical assets and liabilities. Subsequently, District Education Officer (Special Education), Faisalabad, through an order dated 31.07.2021, instructed the accused officer to comply with the aforementioned notification / order. However, the accused officer failed to adhere to the decision contained in notification dated 26.07.2021 issued by the District Education Authority, Jhang. The accused officer submitted some reservations vide letter dated 02.08.2021. This letter was duly addressed by the District Education Officer (Special Education), Faisalabad, resolving all issues and addressing the observations raised by the accused officer. Despite this, the accused officer still failed to comply with the order regarding the shifting / merger of the institutions. This non-compliance with the order concerning the shifting / merger of institutions constitutes defiance of the order and demonstrates the inefficiency and misconduct of the accused officer.

3. **AND WHEREAS**, the Inquiry Officer after conducting inquiry proceedings submitted Inquiry Report, wherein the Inquiry Officer recommended imposition of following penalties upon the accused officers:

| Sr. No. | Name of accused officer | Penalty Recommended |
|---------|--------------------------------------|--|
| 1. | Samina Nawaz / accused officer No. 1 | Major penalty of 'Reduction to a lower post and pay scale for three years' under Section 4(1)(b)(ii) of the PEEDA Act, 2006. |
| 2. | Farwa Rubab / accused officer No. 2 | Minor penalty of 'Censure' under Section 4(1)(a)(i) of the PEEDA Act, 2006. |

4. **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 defence, *if any*, and also to appear before the 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 undersigned along with all record under Section 13(4)(e) of the Act *ibid*.

5. **AND WHEREAS**, the Hearing Officer after granting opportunities of personal hearing to the accused officers in presence of Departmental Representative submitted report of hearing proceedings stating therein that during the hearing proceedings, accused officers filed additional defence reply. During hearing proceedings, the accused officers while reiterating the stance taken by them during

the inquiry proceedings and in the additional defence replies filed by them, *inter alia*, contended that the charge levelled against them is against the facts and record. They denied the charge and stated that the Inquiry Officer failed to give any persuasive reason in the inquiry report for award of proposed penalties to them. Lastly, they requested that the charge is baseless and devoid of merit, therefore, they may be exonerated from the charge.

6. **AND WHEREAS**, during the course of hearing proceedings, Departmental Representative stated that all record related to the charge(s) was provided to the accused officers and inquiry proceedings were conducted by the Inquiry Officer in accordance with the provisions of PEEDA, Act, 2006 and statements of all concerned were recorded and right of cross examination was also granted to the accused officers. The Departmental Representative further stated that charge of inefficiency & misconduct stood proved against the accused officers. She further stated that the arguments of the accused officers are fallacious and carry no weight.

7. **AND WHEREAS**, after a thorough examination and consideration of the case-related documentation, the findings and recommendations put forth by the designated Inquiry Officer, the additional defence replies presented by the accused officers and the report of the Hearing Officer, in conjunction with the comprehensive record available in the case file, it is evident that, *subject to observations recorded hereunder*, the inquiry proceedings have been conducted in accordance with the provisions of PEEDA Act, 2006, merits of the case have been appreciated by the Inquiry Officer and due process as provided under the law has been adopted by the Inquiry Officer. It is further observed that the accused officers were provided full, fair and complete opportunities to vindicate their stance and prove their innocence but they were unsuccessful in doing so. Further scrutiny of the inquiry report, in conjunction with the attached record, indicates that the accused officers failed to fulfil their assigned duties competently. It is also evident that the position taken by the accused officers during inquiry proceedings and in additional defense replies lacks any justifiable rationale. It is noteworthy that the accused officers have not placed on record any new or plausible evidence to counter the evidence already available and presented during the proceedings.

8. **AND WHEREAS**, it has been observed that accused officer No. 1's failure to implement the merger order is an explicit breach of her official duties. The notification dated 26.07.2021 mandated the merger and required strict compliance. By refusing to execute the merger, the accused officer No. 1 disregarded an official directive issued by her superiors. It is also observed that accused officer No. 1 in her defense reply cited the filing of a Writ Petition in the Lahore High Court by her and another individual, Mr. Ghulam Shabbir, who is also teacher of the Centre, as a basis for not complying with the order. However, no stay order or injunction was issued by the Hon'ble Court to suspend the merger order's implementation. The accused officer No. 1's decision to rely on the filing of a Writ Petition, without any formal judicial prohibition, reflects a clear lack of judgment and demonstrates her inefficiency in decision-making and adherence to policy directives. As the Incharge Headmistress of Govt. Special Education Centre for 02-Remaining Disabilities, Jhang, the Centre which was merged, was obligated to uphold and implement the policies and orders of the Special Education Department without bias or undue

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influence. Her failure to execute this merger as directed not only violates administrative procedure but also shows a disregard for her leadership responsibilities. Her actions undermine the institution's structural integrity and policy compliance, and by failing to enforce a policy decision, she has displayed a level of inefficiency unbecoming of her post.

9. **AND WHEREAS**, it is further observed that during the inquiry, accused officer No. 1 failed to present any cogent or credible evidence to refute the charge. Her assertion that she attempted compliance through subordinates but faced refusal due to external legal action does not constitute a valid defense, particularly as the Writ Petition mentioned provided no judicial relief barring the merger. This suggests an inability to appropriately manage subordinates and follow procedural directives, further corroborating the inquiry's findings of inefficiency and misconduct. Notably, the accused officer was asked during the hearing proceedings (*as per hearing report*), whether the merger order has been implemented now or otherwise? In response, the accused officer No. 1 replied that now the merger has been completed and merger order has been implemented. The accused officer No. 1 was further asked whether the Writ Petitions filed by her and Mr. Ghulam Shabbir have been decided? In response, the accused officer No. 1 stated that same are pending but the staff did not raise any objection. This aspect shows that the stance of the accused officer No. 1 on account of which she did not comply with the merger order was based on wrong premise. It is further observed that the accused officer No. 1's failure to fulfil her duties as per the merger order has caused administrative delays and impeded the Department's restructuring efforts aimed at optimizing resources and enhancing special education services. Such non-compliance reflects poorly on the department's commitment to fulfilling its mandate, and it undermines public confidence in the effective management and deployment of special education resources. It is observed that recommendations of the Inquiry Officer viz-a-viz imposition of penalty in view of gravity of established charge do not commensurate with the severity of guilt of the accused officer No. 1 and require revisitation.

10. **AND WHEREAS**, with regards to charge levelled against the accused officer No.2, it is observed that the accused officer No. 2 was directed through official notifications and subsequent clarifications to proceed with the merger. By disregarding these clear and direct instructions from both the District Education Authority and District Education Officer (Special Education), Faisalabad, the accused officer No. 2 has exhibited a wilful disobedience that cannot be justified by procedural confusion or lack of clarity. Her refusal to comply, even after her initial reservations were addressed, reflects not only inefficiency but also a deliberate disregard for her duty to adhere to the directives of her superiors, undermining the hierarchical structure that is crucial in educational administration. The accused officer No. 2's reliance on Writ Petitions filed by Ms. Samina Nawaz and Mr. Ghulam Shabbir, without verifying the existence of a restraining order or stay, demonstrates a serious lapse in judgment. Her duty as a responsible officer required her to verify the status of these petitions and continue with her mandate in the absence of any court order prohibiting the merger. This misinterpretation indicates a failure to exercise due diligence and reveals inefficiency in interpreting legal matters relevant to her administrative duties. As the Incharge Headmistress, the accused officer No. 2 was entrusted with overseeing the merger process, including directing teaching staff of

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Govt. Special Education Centre for 02-Remaining Disabilities, Jhang and facilitating compliance. Her failure to issue concrete directives to the staff members of Govt. Special Education Centre for 02-Remaining Disabilities, Jhang regarding the merger, especially in the face of challenges, illustrates a lack of managerial competency. The accused officer No. 2 neglected to leverage her position to enforce compliance and establish an environment of accountability among her team, thereby failing to uphold the operational standards expected of her role. Her actions effectively stalled the Department's reorganization efforts, causing unnecessary delay and inefficiency.

11. **AND WHEREAS**, it is further observed that the accused officer No. 2 in her defense raised concerns about the merged Center's operational classification, suggesting that her assigned Center i.e., Govt. Special Education Centre, Jhang City, Jhang was a primary school while the Center being merged i.e., Govt. Special Education Centre for 02-Remaining Disabilities, Jhang was secondary, and thus, certain teaching positions (SSET and JSET) were not available, yet her own actions, including the authorization of salary releases for these positions, contradict this claim. This contradiction indicates an attempt to deflect responsibility without factual basis and points to operational mismanagement. Her inability to provide a clear and consistent explanation regarding this matter during the inquiry reveals a lack of accountability and transparency, further justifying the charge of inefficiency and misconduct. It is also noteworthy that by not adhering to the merger directive, the accused officer No. 2 has hindered an important departmental policy aimed at optimizing resources within the Special Education Department. The restructuring was intended to consolidate resources, improve service delivery, and streamline administration. Her non-compliance with this initiative has detracted from these policy objectives, directly impeding the Department's mission to improve services for students with special needs. Her actions exhibit an unwillingness to align with broader departmental goals, ultimately impacting the effectiveness of service delivery. It is also observed that as an Incharge Headmistress of Govt. Special Education Centre, Jhang City, Jhang, the accused officer No. 2's role demanded that she would act as a steward of the Department's interests and ensure that her decisions reflected the policies and mandates of her superiors. Her failure to uphold this trust not only demonstrates inefficiency but also suggests that she lacks the commitment required to perform in a supervisory capacity. The Department must hold its officers to a standard that ensures they are willing and capable of implementing policy initiatives without personal or procedural resistance. It is observed that recommendations of the Inquiry Officer viz-a-viz imposition of penalty in view of gravity of established charge do not commensurate with the severity of guilt of the accused officer No. 2, hence warrant modification.

12. **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 *for reasons stated herein above*, in exercise of powers vested in me under Section 13(5) read with Section 4 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006, *given the severity of the proven charge of inefficiency and misconduct, the lack of valid defence, failure of accused officers to act with the level of professional integrity and judgment expected of their position and the necessity to uphold procedural compliance and institutional discipline, while disagreeing with the recommendations of the Inquiry Officer, and still*

Saima Saeed

taking lenient view, impose the following penalties upon the accused officers;

| Sr. No. | Name of accused officer | Penalty Imposed |
|---------|---|---|
| 1. | Ms. Samina Nawaz , Senior Special Education Teacher (PD Field / BS-17), formerly posted as Incharge Headmistress, Govt. Special Education Centre for 02-Remaining Disabilities, Jhang presently under suspension and reported to department ('accused officer No.1') | Major penalty of 'Reduction to a lower post and pay scale for five years' under Section 4(1)(b)(ii) of the PEEDA Act, 2006. |
| 2. | Ms. Farwa Rubab , Senior Special Education Teacher (H.I Field/BS-17), previously posted as Headmistress, Govt. Special Education Centre, Jhang City presently under suspension and reported to department ('accused officer No. 2') | Minor penalty of 'withholding of increments for a period of five years' under Section 4(1)(a)(ii) of the PEEDA Act, 2006. |

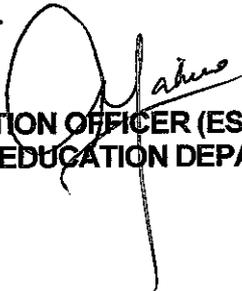
Dated Lahore, the
November 26/2024


(SAIMA SAEED)
SECRETARY SPECIAL EDUCATION /
COMPETENT AUTHORITY

No. & Date Even:

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

1. **Director General Special Education**, Punjab, Lahore.
2. **District Accounts Officer**, Jhang.
3. **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.
4. **Headmaster / Headmistress**, Govt. Special Education Centre, Jhang City to ensure delivery of this order to the accused officers and implementation of the penalties under intimation to this department.
5. **Ms. Samina Nawaz**, Senior Special Education Teacher (PD Field / BS-17), formerly posted as Incharge Headmistress, Govt. Special Education Centre for 02-Remaining Disabilities, Jhang presently under suspension and reported to department.
6. **Ms. Farwa Rubab**, Senior Special Education Teacher (H.I Field/BS-17), previously posted as Headmistress, Govt. Special Education Centre, Jhang City presently under suspension and reported to department.
7. PS to Secretary Special Education Department.


SECTION OFFICER (ESTT.-I)
SPECIAL EDUCATION DEPARTMENT