



No. SO(Estt)10-421/2011. WHEREAS, disciplinary proceedings under the statutory regime of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 ('Act') were initiated against **Ms. Ummay Habiba**, Headmistress (BS-17+10% Special Pay), Govt. Special Education Centre, District Attock (**'accused officer'**) vide Show Cause Notice dated 02.11.2023 under Section 7(b) read with Section 5(1)(a) of the Act *ibid* on the following charge of misconduct and inefficiency:

"While exercising authority not vested in you, you signed the charge relinquish report of Ms. Zainab Ishaq, Psychologist (BS-17), Govt. Special Education Centre, Attock on 13.02.2023 before acceptance/approval of her request for relieving from the department by the Competent Authority."

2. **AND WHEREAS**, the Show Cause Notice directed the accused officer to provide her written reply within 07-days. Consequently, on 14.11.2023, the accused officer submitted a written reply. The accused officer's response was reviewed and was found to be unsatisfactory. Hence, in order to conclude the disciplinary proceedings, Additional Secretary, Special Education Department was appointed as Hearing Officer pursuant to Section 7(d) of the Act *ibid* to provide the accused officer with a chance of a personal hearing. Accordingly, the accused officer by letter dated 21.11.2023 was summoned to appear before the Additional Secretary, Special Education Department / Hearing Officer on 30.11.2023. As per available record, on 30.11.2023, the accused officer appeared before the Additional Secretary / Hearing Officer and showed reservation. Accordingly, in the interest of justice and to finalize the disciplinary proceedings, vide letter dated 06.12.2023, Deputy Secretary, Special Education Department was appointed as Hearing Officer and the accused officer was directed to appear before Deputy Secretary / Hearing officer on 14.12.2023.

3. **AND WHEREAS**, the Hearing Officer after affording opportunity of personal hearing to the accused officer, submitted report of hearing proceedings stating therein that the accused officer appeared on the 14.12.2023 and the hearing proceedings were conducted as per provisions of the Act *ibid*. The Hearing Officer further stated that during the course of hearing, the accused officer while reiterating the stance already taken by her in written defense and additional statement filed during course of hearing contended that Ms. Zainab Ishaq, ex-Psychologist of Govt. Special Education Centre, Attock was not relieved intentionally. The unintentional omission may have taken place due to rush of work.

4. **AND WHEREAS**, after hearing the accused officer, examining the written defense of the accused officer and documents annexed therewith and considering the material related to the case, the Hearing Officer observed that it is an admitted position that Ms. Zainab Ishaq was a contract employee and she applied for the post of Lecturer Psychology (BS-17) advertised by Federal Public Service

Saima Saeed

Commission after obtaining No Objection Certificate from Special Education Department. Upon her selection against the said post, as per record, she filed an application dated 13.02.2023 for relieving before the accused officer. The accused officer before acceptance / approval of request of Ms. Zainab Ishaq for relieving from this Department signed her charge relinquish report by exercising authority which was not vested with her. This fact is also admitted by the accused officer in her additional statement wherein she has stated that Ms. Zainab Ishaq was not relieved by her intentionally, rather same may have occurred unintentionally due to rush of work. The Hearing Officer further observed that statement of accused officer shows that the accused officer signed the charge relinquish report unintentionally and her understanding that she was competent to sign said document was based on misconception. The omission that took place is not an outcome of *mala fide* intention rather based on *bona fide*. Hence, the accused officer deserves to be treated leniently.

5. **AND WHEREAS**, examination of written response submitted by the accused officer alongwith additional statement filed by her and the conclusions drawn by the Hearing Officer in the hearing report, alongwith the record that is available on file, reveals that indeed understanding of the accused officer was erroneous. However, the record also shows that the accused officer's omission was not motivated by malice and that no ill will can be attributed to her. But it is also proved through record that the accused officer exercised authority which was not vested to her and consequent thereto, before issuance of reliving order, she signed charge relinquishment report, hence, charge stands partially proved.

6. **NOW THEREFORE**, I, **Saima Saeed**, Secretary Special Education / Competent Authority in the instant case, after having considered all the aspects and material relating to the case, *for reasons recorded herein above*, in exercise of powers vested upon me under Section 7(f) read with Section 4 of the Act *ibid* do hereby impose minor penalty of "**Censure**" in terms of Section 4(1)(a)(i) upon the accused officer.



(SAIMA SAEED)
SECRETARY to

GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
COMPETENT AUTHORITY

Dated Lahore, the
January 05th /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 Education Officer (Special Education), Rawalpindi.
4. Accused Officer concerned / **Ms. Ummay Habiba**, Headmistress (BS-17+10% Special Pay), Govt. Special Education Centre, District Attock.
5. PS to Secretary Special Education Department.
6. Master file.


SECTION OFFICER (ESTT.)
SPECIAL EDUCATION DEPARTMENT