



No. SO(Estt.)40-547/2019. WHEREAS, disciplinary proceedings were initiated against Mr. Atif Naseem, Junior Special Education Teacher (HI Field/BS-16) and Mr. Muhammad Khalid, Junior Special Education Teacher (VI Field/BS-16), formerly posted at Govt. Special Education Centre, Chowk Sarwar Shaheed, District Muzaffargarh presently reported to department ('accused officers') under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 ('Act') on the following charges of misconduct vide order dated 19.12.2022 by appointing Mr. Muhammad Asif Iqbal, Headmaster (BS-17+10% Special Pay), Govt. Institute for Slow Learners, Bahawalpur as Inquiry Officer:

CHARGE AGAINST MR. ATIF NASEEM

- i. Mr. Atif Naseem, Junior Special Education Teacher (BS-16) (Hearing Impaired Field) availed 12 leaves in excess of 24 casual leaves as per clause-7 of terms and conditions of contract appointment letter and remained willfully absent from duty for 12 days with prior approval / permission of Competent Authority.
- ii. Mr. Atif Naseem filed fake / frivolous complaint against Ms. Tahira Anjum, Incharge Headmistress, Govt. Special Education Centre, Chowk Sarwar Shaheed, District Muzaffargarh which caused loss of precious time and resources of the Government.

CHARGE AGAINST MR. MUHAMMAD KHALID

- i. Mr. Muhammad Khalid, Junior Special Education Teacher (BS-16) (Visually Impaired Field) availed 07 leaves in excess of 24 casual leaves as per clause-7 of terms and conditions of contract appointment letter and remained willfully absent from duty for 07 days with prior approval / permission of Competent Authority.
- ii. Mr. Muhammad Khalid filed fake / frivolous complaint against Ms. Tahira Anjum, Incharge Headmistress, Govt. Special Education Centre, Chowk Sarwar Shaheed, District Muzaffargarh which caused loss of precious time and resources of the Government.

2. **AND WHEREAS**, the Inquiry Officer conducted the inquiry into the above-mentioned charges and submitted report, wherein the Inquiry Officer concluded that charge No. 1 stand proved against accused officers but charge No. 2 remained un-proved, therefore, following recommendations are made:

Sr. No.	Name of accused	Recommendations of Inquiry Officer
01	Mr. Atif Naseem, JSET (HI Field/BS-16)	"Withholding of one increment for a period of one year".
02	Mr. Muhammad Khalid, JSET (VI Field/BS-16)	"Censure".

3. **AND WHEREAS**, upon receipt of inquiry report, Show Cause cum Personal Hearing Notice under Section 13(4) of the Act *ibid* was issued to the accused officers directing them to submit their additional defence, *if any*, and also to appear on **16.05.2023** before the **Deputy Secretary**, Special Education Department

Laino Saad

appointed as **Hearing Officer** under Section 13(4)(c) of the Act *ibid*, for personal hearing. The Departmental Representative was also directed to appear before the undersigned alongwith all record under Section 13(4)(e) of the Act *ibid*.

4. **AND WHEREAS**, the Hearing Officer after affording opportunities of personal hearing to the accused officer, submitted report of hearing proceedings stating therein that the accused officer and departmental representative appeared on the 16.05.2023 and the hearing proceedings were conducted as per provisions of the Act *ibid*. The Hearing Officer further stated that accused officers submitted additional defense reply.

5. **AND WHEREAS**, the Hearing Officer further stated that during the hearing proceedings, the accused officers while reiterating the points raised in their defence reply and stance already taken by them during inquiry proceedings stated that the charge is not based on facts and they may be exonerated. Whereas, the Departmental Representative apprised regarding the facts of the case and, *inter alia*, stated that record related to the charges was provided to the accused officers and inquiry proceedings have been conducted by the Inquiry Officer in accordance with the provisions of the Act *ibid*, statements of all concerned were recorded. The Departmental Representative further stated that charge of absence and availing excessive leaves proved against the accused officers and the penalties proposed by the Inquiry Officer commensurates with the guilt of accused officers.

6. **AND WHEREAS**, after hearing the accused officers, Departmental Representative, examining the additional defence 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 the inquiry proceedings have been conducted in fair and transparent manner by the Inquiry Officer which are in accordance with the provisions of the Act *ibid*. It has further been observed by the Hearing Officer that as per findings of Inquiry Officer charge No. 1 in respect of both accused officers stood fully proved and the findings of the Inquiry Officer are based on record and no exception can be taken from that. It has further been observed that during the course of personal hearing the accused officers failed to disprove the veracity of the findings and recommendations of the Inquiry Officer. Moreover, there exist sufficient incriminating documentary evidence which connect the accused officers with commission of charge levelled against him. The Hearing Officer further observed that during the course of personal hearing, no new and plausible piece of evidence has been brought on record by the accused officers to rebut the evidence already available on record and no such kind of fresh evidence has been produced by the accused officers which could prove that the charge levelled against the accused officers are false and contrary to the record. The Hearing Officer further observed that as per record Mr. Atif Naseem filed an application against the In-charge Headmistress which upon probe was found to be frivolous. He further observed that as per findings of Inquiry Officer, Mr. Muhammad Khalid dis-associated himself from that application, therefore, the charge to that extent remained dis-proved against him, therefore, it has been recommended by the Inquiry Officer that different penalty having lesser gravity i.e., Censure may be imposed upon Mr. Muhammad Khalid. The Hearing Officer further observed that the stance of the accused officers that Hon'ble Governor, Punjab has passed an order whereby Learned Ombudsman, Punjab has been directed to relook into the matter, is not correct because the instant disciplinary proceedings have not been initiated on the directions/instructions of Learned Ombudsman, Punjab therefore, any order passed by Hon'ble Governor, Punjab whereby order passed by Learned Ombudsman, Punjab has been directed to relook into does not have any bearing on the instant proceedings. The Hearing Officer is of the view that the penalty recommended by the Inquiry Officer commensurates with gravity of guilt of the accused officers.

Saima Saad

7. **AND WHEREAS**, perusal of record shows that Mr. Atif Naseem, Junior Special Education Teacher formerly posted at Govt. Special Education Centre, Chowk Sarwar Shaheed, District Muzaffargarh presently reported to department filed complaint against Ms. Tahira Anjum, Incharge Headmistress, Govt. Special Education Centre, Chowk Sarwar Shaheed, District Muzaffargarh. Upon receipt of said complaint, Director General Special Education, Punjab, Lahore directed District Education Officer (Special Education), Dera Ghazi Khan to look into the matter. District Education Officer (Special Education), Dera Ghazi Khan appointed Mr. Mehmood Ahmed Sohail, Incharge Headmaster, Govt. Special Education Centre, Rojhan as Probe Officer to probe into the matter and submit report. The Probe Officer submitted his report and recommended that complaint filed by Mr. Atif Naseem, and Mr. Muhammad Khalid has been found baseless and he further recommended that they may be transferred to any other institution for smooth running of school and regular inquiry may be initiated against both of them under PEEDA Act, 2006 on the charge of misconduct. In the meanwhile, Incharge Headmistress, Govt. Special Education Centre, Chowk Sarwar Shaheed, District Muzaffargarh submitted absence report of both accused officers in the office of District Education Officer (Special Education), D.G. Khan on 25.11.2022 stating therein that Mr. Atif Naseem, Junior Special Education Teacher (HI Field/BS-16) and Mr. Muhammad Khalid, Junior Special Education Teacher (VI Field/BS-16), Govt. Special Education Centre, Chowk Sarwar Shaheed, District Muzaffargarh had availed 24 days casual leave as per clause-7 of the terms and conditions of contract appointment letter and Mr. Atif Naseem, Junior Special Education Teacher (HI Field/BS-16) remained absent from duty for 12-days and Mr. Muhammad Khalid, Junior Special Education Teacher (VI Field/BS-16) remained absent from duty for 07-days from the issuance of said report. She requested that disciplinary action may be taken against both the accused officers under PEEDA Act, 2006 on the charge of misconduct. In view of the facts of the case, disciplinary proceedings were initiated against the accused officers on the above-mentioned charges of misconduct vide order dated 19.12.2022 under Section 3 of the Act *ibid*.

8. **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 during inquiry proceedings it was proved that the accused officers were in habit of coming late and leaving school before time. In order to establish this fact, the accused officers were confronted with CCTV recording. It was also proved during inquiry proceedings that Mr. Atif Naseem availed 24 casual leaves in the year 2022 and remained absent from duty for 12 days whereas, Mr. Muhammad Khalid availed 23 casual leaves in the year 2022 and remained absent from duty for 07 days. As regards to filing of frivolous application, during the course of inquiry proceedings it was proved that application filed by Mr. Atif Naseem was due to certain administrative issues but the same was not frivolous whereas, Mr. Muhammad Khalid was not applicant of that application therefore, this charge to his extent remained un-proved.

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 all the charge of misconduct on account of absent from duty stand proved against the accused officers whereas, charge pertaining to filing of frivolous application remained un-proved. Accordingly, the penalty recommended by the Inquiry Officer commensurates with gravity/severity of guilt of the accused officers. Therefore, 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, *while agreeing with the recommendations of the Inquiry Officer*, following penalties are hereby imposed upon the accused officers.

Saima Saeed

Sr. No.	Name of accused	Recommendations of Inquiry Officer
01	Mr. Atif Naseem, JSET (HI Field/BS-16)	"Withholding of one increment for a period of one year in terms of Section 4(1)(a)(ii) of the PEEDA Act, 2006".
02	Mr. Muhammad Khalid, JSET (VI Field/BS-16)	"Censure in terms of Section 4(1)(a)(i) of the PEEDA Act, 2006".

Saima Saheed

(SAIMA SAEED)

SECRETARY SPECIAL EDUCATION /
COMPETENT AUTHORITY

Dated Lahore, the
June 06th /2023

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) D.G Khan to ensure delivery of this order to the accused officer and implementation of the penalty under intimation to this department.
4. Headmistress, Govt. Special Education Centre, Chowk Sarwar Shaheed, District Muzaffargarh to ensure delivery of this order to the accused officer and implementation of the penalty under intimation to this department.
5. Accused Officers concerned;
 - i. Mr. Atif Naseem, Junior Special Education Teacher (HI Field/BS-16) formerly posted at Govt. Special Education Centre, Chowk Sarwar Shaheed, District Muzaffargarh presently reported to department.
 - ii. Mr. Muhammad Khalid, Junior Special Education Teacher (VI Field/BS-16), formerly posted at Govt. Special Education Centre, Chowk Sarwar Shaheed, District Muzaffargarh presently reported to department.
6. PS to Secretary Special Education Department.

[Signature]
SECTION OFFICER (ESTT.)
SPECIAL EDUCATION DEPARTMENT