

REGISTERED



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT

ORDER

SO(Estt)10-61/2005. WHEREAS, teaching / non teaching staff of Government Degree College of Special Education, Multan lodged complaints dated 31.10.2019, 01.11.2019 and 04.11.2019 against Ms. Tasneem Kausar, Principal of the said College regarding her erratic, irrational, whimsical and arrogant attitude / behavior with the entire staff of the college. Secretary Special Education Department appointed Mr. Ghulam Saghir Shahid, Deputy Secretary, Special Education Department as Probe Officer to conduct a probe into the allegations leveled against the Principal vide letter dated 04.11.2019.

2. AND WHEREAS, the Probe Officer conducted a probe and submitted his report to Secretary Special Education on 11.11.2019 with the following findings:

- i. Ms. Tasneem Kausar, Principal has been found, prima facie, guilty of misconduct as she has erratic, irrational, whimsical and arrogant attitude/ behavior with the entire staff of the college. The complaints dated 31.10.2019, 01.11.2019 and 04.11.2019 submitted by the staff members against the Principal carry weight. She has been found guilty of harassing the staff, damaging their self respect and treating them with utmost hate and contempt. The statements recorded by the female staff reveal that the Principal levels false and frivolous allegations against them, makes videos of the female staff and viral it on the social media. The Principal mentally tortures the staff, indulges in unethical conversation, makes their character assassination by contacting their family members and defaming them in the eyes of their family members by telling them unfounded stories.
- ii. Special Education Department vide order No. SO(Estt)10-61/2005 dated 30.08.2019 rejected her Departmental Representation and she was directed to join her duties as Headmistress (BS-18) at Government Institute for the Blind, Multan but despite passage of more than 02

months she has not complied with the order of the Competent Authority which tantamount to misconduct.

- iii. The College is being run in the rented building having monthly rent of Rs. 2,80,000/-. The area of the rented building is 02 Kanal and 02 Marlas. Although the formalities for hiring of building have been completed but it is observed that the monthly rent is on higher side and disproportionate to the size of the building/ locality.
- iv. The basic facilities such as pick and drop facility to the special children, laboratory, furniture etc. were found missing as the college has not yet purchased furniture, bus and has not established Lab for the students despite provision of funds for the purpose.
- v. The college has been established for 03 categories of special needs children i.e. Hearing Impaired, Physically Handicapped and Visually Impaired. Only 64 Hearing Impaired students have been enrolled in 1st year class but no student belonging to Physically Handicapped and Visually Impaired categories had been admitted in the College.
- vi. As per Instructions issued by the Punjab Board of Technical Education vide letter No. PBTE/REG/2019/4156-4355 dated 10.10.2019, the admissions for the 1st year class were required to be completed by 10.10.2019 which had not been completed by 05.11.2019 (the date of the visit).
- vii. The students are not being paid monthly Stipend on regular basis. Perusal of the College record revealed that the students were lastly paid stipend for the month of March, 2019. They have not been paid stipend for the last 07 months.
- viii. She drew an amount of Rs. 46,400/- (Rupees forty six thousands and four hundred) against the Head of Account "Scholarship" during the month of June, 2019 which has neither been entered in Cash Book nor disbursed amongst students.
- ix. Perusal of the record reveals that the Principal has committed financial irregularities. For example the amount drawn from the Accounts Office under "Head of Account of Scholarship" has been used for payment of utility bills.

- x. The Principal received 100 Nos. of chairs and 50 Nos. of benches for students from an NGO namely "Taray Zameen Per" and an electric water cooler from "Unique Motors" as donation but did not maintain "Donation Register".
- xi. Staff members had not been allowed to mark their attendance from 01.11.2019 to 05.11.2019 as the page of the attendance register was found blank.
- xii. The male and female teaching staff was made to sit in a combined Staff Room. Astonishingly, the Staff Room meant for male staff members was available but it had been intentionally locked. Even the furniture was not available in the staff room and the teaching staff was found sitting on the benches.
- xiii. She has failed to administer and monitor the performance of teaching as well as non-teaching staff due to which the environment of the said College has been spoiled and become un-conducive for imparting education. Due to bad environment of the College, education of the children with special needs is suffering badly. Furthermore, she did not take any measures to enhance enrolment and to provide the hostel facilities to the special students.
- xiv. She is a habitual late comer and leaves the college before closing of office timings. She is also in habit of checking bags of female staff members by conducting their physical search in presence of male staff members.

3. AND WHEREAS, the Probe Officer recommended that Ms. Tasneem Kausar, Headmistress (BS-18) Govt. Institute for the Blind, Multan (occupying the post of Principal, Government Degree College of Special Education, Multan without lawful authority) may be placed under suspension in terms of Section 6 of the PEEDA Act, 2006 on the charges of inefficiency, misconduct & corruption and a regular inquiry under the PEEDA Act, 2006 may be ordered against her.

4. AND WHEREAS, Secretary Special Education being Competent Authority, in due consideration of the facts of the case placed Ms. Tasneem Kausar, Headmistress (BS-18) Govt. Institute for the Blind, Multan (occupying the post of Principal, Government Degree College of Special Education, Multan without lawful

authority) under suspension with immediate effect, in terms of Section 6 of the Punjab Employees Efficiency, Discipline and Accountability, Act, 2006 on the charges of inefficiency, misconduct and corruption vide order dated 11.11.2019.

5. **AND WHEREAS**, Secretary Special Education initiated disciplinary proceedings against her under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 by appointing the following Inquiry Committee vide order dated 14.11.2019 to proceed against the accused officer in terms of Section 5(1)(b) read with Section 9 of the Act *ibid*:

1.	Mr. Farhat Hayat Malik, Principal (BS-19), Govt. Secondary School for Hearing Impaired Girls, Multan.	Convener
2.	Ms. Kokab Jabeen, Principal (BS-19), Govt. Institute for the Blind, Dera Ghazi Khan.	Member

6. **AND WHEREAS**, the Inquiry Committee proceeded against the accused officer on the following charges of inefficiency, misconduct and corruption:

- i. Ms. Tasneem Kausar, Headmistress (BS-18) has erratic, irrational, whimsical and arrogant attitude / behavior with the entire staff of college. The complaints dated 31.10.2019, 01.11.2019 and 04.11.2019 submitted by the staff members against the Principal carry weight. She has been found guilty of harassing the staff, damaging their self respect and treating them with utmost hate and contempt. The statements recorded by the female staff reveal that the Principal levels false and frivolous allegations against them, makes videos of the female staff and viral it on the social media. The Principal mentally tortures the staff, indulges in unethical conversation, makes their character assassination by contacting their family members and defaming them in the eyes of their family members by telling them unfounded stories. She is also in habit of checking bags of female staff members by conducting their physical search in presence of male staff members.
- ii. She has violated the order of Secretary Special Education Department bearing No. SO(Estt)10-61/2005 dated 30.08.2019 whereby Competent Authority rejected her Departmental Representation and

she was directed to join her duties as Headmistress (BS-18) at Government Institute for the Blind, Multan but despite passage of more than 02 months she did not comply with the orders.

- iii. She did not take any measures to provide the basic facilities such as pick and drop facility, laboratory, furniture etc. to the special children as furniture and bus has not been purchased and Lab for the students not established despite provision of funds for the purpose.
- iv. She did not take any measures to enhance enrolment of special children as the college has been established for 03 categories of special needs children i.e. Hearing Impaired, Physically Handicapped and Visually Impaired. Only 64 Hearing Impaired students have been enrolled in 1st year class but no student belonging to Physically Handicapped and Visually Impaired categories has been admitted in the College.
- v. She did not complete admissions for the 1st year class in time which were required to be completed by 10.10.2019 as per instructions issued by the Punjab Board of Technical Education vide letter No. PBTE/REG/2019/4156-4355 dated 10.10.2019.
- vi. She did not pay monthly Stipend to special students for 7 months (from April 2019 to October 2019). She drew an amount of Rs. 46,400/- (Rupees forty six thousands and four hundred) against the Head of Account "Scholarship" during the month of June, 2019 which has neither been entered in Cash Book nor disbursed amongst students rather she used this amount for other purposes like payment of utility bills etc.
- vii. She did not maintain "Donation Register" for the donations received from NGOs namely "Taray Zameen Per" and "Unique Motors" etc.
- viii. She did not allow staff to mark their attendance from 01.11.2019 to 05.11.2019.
- ix. She compelled the male and female teaching staff to sit in a combined staff room by keeping the staff room for male members locked.
- x. She is a habitual late comer and leaves the institution before close of office hours usually.

7. **AND WHEREAS**, the Inquiry Committee submitted its report to this Department on 24.02.2020 with the findings that all the charges leveled against the

accused officer stood proved and recommended that the major penalty of "Compulsory Retirement" from service under Section 4(1)(b)(iv) of the PEEDA Act, 2006 may be imposed upon the accused officer.

8. **AND WHEREAS**, upon receipt of the Inquiry Report, the Competent Authority / Secretary Special Education issued Show Cause Cum Personal Hearing Notice to the accused officer under Section 13(4) of the PEEDA Act, 2006 directing the accused officer to submit her additional defence, if any, and also appear for personal hearing on 29.03.2020 but the hearing could not be conducted due to lockdown of Corona Virus (Covid-19) Pandemic. The accused officer was again directed to appear before the Secretary Special Education/Competent Authority on 03.09.2020.

9. **AND WHEREAS**, the accused officer appeared before the Secretary Special Education / Competent Authority on the fixed date and submitted her written defence reply. While reiterating her stance in her defence reply, she, stated that she had filed Appeal No. 1565/2019 in the PST on the ground that the transfer orders were in violation of the Wed Lock Policy. She further stated that upon issuance of direction from the Honorable PST, her representation was decided by the Secretary Special Education Department vide order dated 30.08.2019, whereof, she was directed to join her duty at Govt. Institute for the Blind, Multan. Upon this, she again filed Appeal No. 3885/2019 in the PST which was disposed of on 24.09.2019 with the direction to Chief Secretary to decide her Appeal. She further stated that Chief Secretary Punjab granted her personal hearing and rejected her appeal.

10. **AND WHEREAS**, perusal of record reveals that the accused officer alongwith thirty one (31) Headmasters / Headmistresses (BS-18) were recommended for promotion to the rank of Principal (BS-19), Govt. Secondary / Higher Secondary Schools of Special Education in Punjab in the meeting of Provincial Selection Board-II held on 14.03.2018. The advice was issued by Services & General Administration Department on 20.04.2018. Special Education Department sought approval of the Chief Minister Punjab/ Competent Authority with the request to allow this Department to post the said Headmasters / Headmistress against the vacant posts of BS-19. Chief Minister Punjab granted approval for their postings vide order dated 04.09.2018. Accordingly, the Petitioner was posted against the available vacant post of Principal (BS-19), Govt. Degree College of Special Education, Multan vide Notification dated 11.09.2018 for actualization of her promotion. She joined

there on 14.09.2018.

11. **AND WHEREAS**, Mr. Abdul Ghaffar Gujjar, Instructor Physical Education (BS-17), Govt. Deaf and Defective Hearing High School, Gulberg-II, Lahore filed a Writ Petition No. 250592/2018 in the Honourable Lahore High Court, Lahore challenging the posting of Mr. Shahzad Haroon Bhutta, Principal (BS-19), against the post of Principal, Govt. Training College for the Teachers of Deaf, Gulberg-II, Lahore as he belonged to School Cadre and his posting against the post of Principal (BS-19), in College Cadre was against the Rules. The Honourable Court directed Secretary Special Education to submit parawise comments. Special Education Department approached Regulations Wing of S&GAD seeking advice that:

- i. **Whether promotion of Mr. Shahzad Haroon Bhutta from the post of Headmaster (BS-18), Govt. Middle School of Special Education to the post of Principal (BS-19), Govt. Secondary School of Special Education has been actualized or otherwise while he has been posted against the post of Principal (BS-19), Govt. Training College for the Teachers of Deaf, Gulberg-II, Lahore?**
- ii. **If otherwise, whether Special Education Department can substitute its earlier orders dated 09.11.2018 by posting Mr. Shahzad Haroon Bhutta against the post of Principal (BS-19), Govt. Secondary School of Special Education or otherwise while he has joined the post of Principal (BS-19), Govt. Training College for the Teachers of Deaf, Gulberg-II, Lahore and drawing his salary against the said post.**

12. **AND WHEREAS**, in response thereof, Regulations Wing, S&GAD vide letter dated 09.01.2019 advised as under:

- i. "Sub section (1) of Section 8 of Punjab Civil Servants Act, 1974 Provides as under:-
'A civil servant shall be eligible to be considered for appointment by promotion to a post reserved for promotion in the service or cadre to which he belongs in a manner as may be prescribed; provided that he possesses the prescribed qualifications'.
- ii. Mr. Shahzad Haroon Bhutta was promoted against the post of Principal (BS-19) Secondary / Higher Secondary School cadre. Therefore, he is required to actualize his promotion against the post he was promoted in his cadre".

- iii. Actualization of promotion against the post of Principal Govt. Training College cadre for the Teacher of Deaf is not permissible under the service rules of the post as well as Act, *ibid*”.

13. AND WHEREAS, the cases of all 32 Headmasters / Headmistress (BS-18) promoted as Principal (BS-19) Government Secondary / Higher Secondary Schools of Special Education for Hearing Impaired were examined in the light of above advice and found that 9 newly promoted Principals including the accused officer were posted inadvertently by the then Secretary Special Education Department against the posts of Principals of Colleges and Govt. Special Education Centres (BS-19) which were not commensurate to their actual cadre posts. Therefore, in order to actualize promotion, the accused officer and 7 other newly promoted Principals were transferred to their cadre posts in terms of subsection (1) of Section 8 of the Punjab Civil Servants Act, 1974, vide order dated 18.04.2019 after obtaining approval of Chief Minister, Punjab / Competent Authority. The accused officer was transferred to Govt. Secondary School for the Blind, Bahawalpur. Instead of complying with the order of Competent Authority, she filed Appeal No. 1565/2019 in the Honourable Punjab Service Tribunal, Lahore against her transfer to Govt. Secondary School for the Blind, Bahawalpur. The said Appeal was disposed of by the Honourable Punjab Service Tribunal vide order dated 23.04.2019 with the following direction:

“2. In view of the above discussion, the instant appeal is converted into departmental representation and transmitted to the respondent No. 1 / Secretary Special Education, who shall decide the same in accordance with law, rules and prevalent policies by associating the Petitioner and passing a speaking order with reasons for his decision, after affording due opportunity of personal hearing to the Petitioner, preferably within a period of thirty days of communication of this order and with intimation to the Registrar of this Tribunal. Meanwhile, if the Petitioner has not relinquished the charge, the impugned order dated 18.04.2019 shall remain suspended to the extent of Petitioner. The appeal is decided in above terms.”

14. AND WHEREAS, pursuant to the direction of PST, Secretary Special Education afforded an opportunity of personal hearing to the accused officer. Perusal of the case revealed that as per para 16(2) of the Promotion Policy, 2010, the validity period of recommendations of DPC/PSB is one year which had been elapsed on 19.04.2019 and promotion of the accused officer could not be actualized as she failed to comply with the order dated 18.04.2019. Therefore, Secretary Special Education rejected her representation and also directed her to join as Headmistress

(BS-18) at Govt. Institute for the Blind, Multan where she was serving before her promotion to BS-19 vide order dated 30.08.2019 with the following remarks:

“I, Dr. Rashid Mansoor / Respondent am of the considered view that the Petitioner was transferred to Govt. Secondary School for the Blind, Bahawalpur vide order dated 18.04.2019 for rectification of this Department’s earlier order dated 11.09.2018 in the light of advice tendered by the Regulations Wing, S&GAD, which she refused to comply with. In that, her promotion has not been actualized and she, therefore, remained in BS-18. The departmental representation of the Petitioner is hereby rejected and she is directed to join her duties as Headmistress (BS-18) at Govt. Institute for the Blind, Multan where she was serving before her promotion to BS-19.”

15. AND WHEREAS, the accused officer instead of complying with the order dated 30.08.2019, filed another Appeal No. 3885/2019 before Punjab Service Tribunal against the said order. The Honourable PST disposed of the said Appeal vide order dated 24.09.2019. The operative part of said order is as under: -

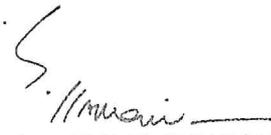
“In view of this position, in order to meet the ends of justice, the instant appeal is converted into departmental appeal and transmitted to the competent authority i.e. Chief Secretary, Punjab who shall decide the same in accordance with law, rules and prevalent policies by associating the appellant and passing a speaking order with reasons for this decision, after affording due opportunity of personal hearing to the appellant, preferably within a period of thirty days of communication of this order and with intimation to the Registrar of this Tribunal.

With the above directions, the instant appeal stands disposed of.”

16. AND WHEREAS, the Chief Secretary obtained comments from Administrative Department and after affording her an opportunity of personal hearing rejected her Appeal vide order dated 20.03.2020. Moreover, the accused officer also filed Writ Petition No. 10605/2020 in the Honorable Lahore High Court, Multan Bench, Multan against the disciplinary proceedings initiated against her vide order dated 14.11.2019. The Honorable Court dismissed the said Writ Petition vide order dated 26.08.2020 being not maintainable under the law.

17. NOW THEREFORE, I, Syed Javed Iqbal Bokhari, Secretary Special Education / Competent Authority in the instant case, after having considered all the aspects, material relating to the case, inquiry report, reply submitted by accused officer, verbal submission of the accused officer, am of considered view that all the charges of inefficiency, misconduct & corruption leveled against the accused officer

stand proved beyond any shadow of doubt. Therefore, in exercise of powers vested upon me under Section 13(5) read with Section 4(1)(b)(iv) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006, I, hereby impose major penalty of “**Compulsory Retirement**” upon the accused officer / Ms. Tasneem Kausar, Ex-Headmistress (BS-18) Govt. Institute for the Blind, Multan.


(SYED JAVED IQBAL BOKHARI)
SECRETARY SPECIAL EDUCATION/
COMPETENT AUTHORITY

Dated Lahore, the
October 5th, 2020

No. & Date Even:

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

1. Accountant General, Punjab, Lahore.
2. District Education Officer, Special Education, Multan.
3. District Accounts Officer, Multan.
4. Accused officer concerned.
5. Head of Institution concerned.
6. PS to Secretary Special Education Department.
7. Master File.


SECTION OFFICER (Estt.)