



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT

ORDER

No. SO(Estt)36-185/2017. WHEREAS, through this order representation filed by **Ms. Mamoonah Rajab**, Junior Special Education Teacher (MC Field/BS-16), Government Special Education Centre, Hazro District Attock (**'Representationist'**) for expunction of adverse remarks recorded in her Performance Evaluation Reports (**'PERs'**) for the period w.e.f. **01.01.2018 to 24.04.2018, 29.04.2019 to 31.12.2019 & 01.01.2020 to 30.10.2020** shall be decided.

2. **AND WHEREAS**, brief facts of the case are that **Mr. Muhammad Aslam Sahu**, SSET (VI Field/BS-17) / ex-Incharge Headmaster, Government Special Education Centre, Layyah (**'Reporting Officer-I'**) recorded the following adverse remarks in Part-I, Part-II & Part-III of the Performance Evaluation Reports (**'PERs'**) in respect of **representationist** for the following periods in his capacity as Reporting Officer:

Sr. No.	Period	Remarks
01	01.01.2018 to 24.04.2018	Part-I <u>Integrity</u> "Believed to be corrupt" Part-II <u>Overall Grading</u> "Poor" Part-III <u>Usefulness for Retention / Extension in Service</u> "Not useful"

3. **AND WHEREAS**, **Ms. Nazia Mushtaq**, SSET (HI Field/BS-17) / Incharge Headmistress, Govt. Special Education Centre, Layyah (**'Reporting Officer-II'**) recorded the following adverse remarks in Part-I, Part-II & Part-III of the PERs in respect of the representationist for the following periods in their capacity as Reporting Officer:

Sr. No.	Period	Remarks
01	29.04.2019 to 31.12.2019	Part-I <u>Integrity</u> "Believed to be Corrupt" Part-II <u>Overall Grading</u> "Poor" Part-III <u>Usefulness for Retention / Extension in Service</u> "Not Useful"
02	01.01.2020 to 30.10.2020	Part-I <u>Integrity</u> "Believed to be Corrupt" Part-II

Lamin Saeed

		<u>Overall Grading</u> "Poor" Part-III <u>Usefulness for Retention / Extension in Service</u> "Not Useful"
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4. **AND WHEREAS**, the above referred adverse remarks alongwith a copy of PERs were communicated to the representationist vide letter dated 03.03.2021, for filing representation for expunction of the said adverse remarks, *if deem necessary*. Subsequently, the representationist filed representation dated 21.11.2022 with the request to expunge the adverse remarks recorded in her PERs with following contentions;

- *That she filed a complaint against one Mr. Muhammad Aslam Sahu, Incharge Headmaster, Govt. Special Education Centre, Layyah and vide order dated 29.11.2018 passed by Ombudsperson Punjab he was removed from service therefore he, for his defense, created false scenario through which 2nd reporting officer Nazia Mushtaq alongwith 06 others filed a complaint against her on 01.10.2020 through which never questioned her conduct, progress and skills rather only alleged regarding her attitude.*
- *Upon that complaint an inquiry was held and vide order dated 31.07.2021 the inquiry officer exonerated her from the charges rather also observed that some of the complaints disowned their signatures. Through that report the inquiry officer recommended to issue a warning to Ms. Nazia Mushtaq, Incharge Headmistress for forwarding baseless complaints but unfortunately vide order dated 11.02.2022 censure penalty imposed upon her instead of Ms. Nazia Mushtaq which was impugned before Punjab Service Tribunal and vide order dated 17.10.2022 passed by PST, the said order set aside by accepting her appeal.*
- *That the PER w.e.f. 01.01.2018 to 24.04.2018 reported by Mr. Muhammad Aslam Sahu, without specifying his designation through which reported that her humble entity was believed to be corrupt whereas as per her job description she had no nexus with any financial and monitory affairs. No funds allocated to her and nothing was remained upon her disposal therefore the assumptions regarding corruption is highly unwarranted because without financial gain allegations of corruption and corrupt practices cannot be attributed.*
- *That another report remained poor performance whereas criteria of performance, rendering services and evaluation of assessment required to be based upon personal qualities, attitude, proficiency of job, integrity and punctuality etc. As per record my attendance is there to establish that I remained regular and punctual. My personal qualities, attitudes and proficiency never been impugned by any student or colleague in that era. My integrity also never been the subject matter*

Laima Saheed

because neither any complaint was filed against me in that period nor any inquiry was directed to be held.

- *The performance can also be evaluated on the basis of result of the students, performance sheets and worksheets and needless to mention here that I may be the best performer if accounted on the basis of students' response and results.*

5. **AND WHEREAS**, the Reporting Officers were directed vide letter dated 06.12.2022 to submit reasons / justifications alongwith documentary evidences for recording adverse remarks in the PERs of the representationist.

6. **AND WHEREAS**, Mr. Muhammad Aslam Sahu / Reporting Officer submitted reasons / justifications leading to recording of such adverse remarks by stating therein that the representationist did not attend her classes due to which students suffered and they disturbed students of other classes; that the representationist often misbehaved with him as well as with staff and she used to keep her mobile on recording during meetings. Once, on the objection of one Ms. Fareeha Yousaf, JSET (HI Field/BS-16) the representationist was contravened.

7. **AND WHEREAS**, Ms. Nazia Mushtaq / Reporting Officer submitted reasons / justifications leading to recording of such adverse remarks by stating therein that the representationist while serving at Govt. Special Education Centre, Layyah left no stone unturned to defame the institution by uploading false posts on social media at which explanation was issued to her vide letter dated 28.09.2020; that on 03.10.2020, representationist submitted a baseless application just to create problem for the administration wherein she was warned to avoid spreading disruption in the institute; that female staff of GSEC, Layyah filed a complaint against Ms. Mamoona Rajab that she makes secret videos / pictures of female staff members when they are unconscious and blackmails them with these videos / pictures; moreover, she also shows indecent and lewd videos to the special students and threatens female staff members with dire consequences and asked them to restrain from complaining about her; that the representationist was an unwilling worker and did not accept new students in her class and often sent the students out of class without any justification; that she was highly non-cooperative, had no concentration on MCC Children and did not complete the educational tasks which is the substantive duty of a teacher of special student; that on 28.10.2020, the Deputy Commissioner, Layyah forwarded the complaint lodged by Headmistress against the representationist wherein he requested to transfer the representationist from the centre; that on 20.11.2020, the representationist was transferred from GSEC, Layyah to GSEC, Fatehpur, but she did not relinquish the charge and forcefully marked the attendance in the register and advanced threats of dire consequences to the staff / centre administration; that the Headmistress reported this matter to the Secretary Special Education through DEO(SE), D.G. Khan vide letter dated 02.12.2022; that on 25.11.2020, after issuance of her transfer orders, the representationist once again reached at GSEC, Layyah and misbehaved and threatened Mr. Riaz Hussain, Chowkidar and shouted in the institute and once again she came to the centre on 03.12.2020 and started quarrelling with Mr. Azhar Hussain, Chowkidar and advanced threats of dire consequences and when she intervened to cool down her, she said she shall not go from here at any cost and kept shouting; that this matter was reported to the Deputy Commissioner, Layyah who wrote a letter to the Secretary Special Education requesting thereby to ask representationist to resume her duty at her new place of posting.

Layyah record

Saima Saad

8. **AND WHEREAS**, in order to decide the representation, it was decided to afford an opportunity of personal hearing to the representationist in presence of all concerned and for said purpose, **Additional Secretary, Special Education** was appointed as **Hearing Officer**. The Hearing Officer after affording opportunity of personal hearing to the representationist in presence of all concerned submitted report of hearing proceedings stating therein that during the course of personal hearing PER record of the representationist was thoroughly examined and it was pointed out that the representationist was appointed in the year 2017 and she joined duty on 25.10.2017. PERs of the representationist w.e.f. **25.10.2017 to 31.12.2017** (*this period was less than three months therefore certificate has been provided*), **25.04.2018 to 04.10.2018**, **05.10.2018 to 31.12.2018** (*this period was less than three months therefore certificate has been provided*) and **01.01.2019 to 28.04.2019** does not contain any adverse entry. The representationist is aggrieved of the remarks recorded in her PERs for the period w.e.f. **01.01.2018 to 24.04.2018**, **29.04.2019 to 31.12.2019** & **01.01.2020 to 30.10.2020** (*these PERs are written by two different Reporting Officers*), which are "adverse remarks" and according to the representationist are problematic for her service career and her case of regularization of service was not processed due to said adverse remarks. Whereas, stance of Reporting Officers is that the conduct, performance, attitude towards discharge of official duties and behaviour of the representationist was the reason for recording such adverse remarks. The Hearing Officer further observed that perusal of adverse remarks and justifications tendered by the Reporting Officers shows that adverse remarks recorded by Reporting Officers are vague and without reference to any particular instance justifying formulation of the opinion, thus, same does not qualify the test of reasonableness. The Hearing Officer further observed that the stance taken by the Reporting Officer / Mr. M. Aslam Sahu shows that he recorded adverse remarks in the PER of the representationist because she had filed complaint against him. Furthermore, perusal of stance taken by Ms. Nazia Mushtaq / Reporting Officer shows that the representationist has been made victim of personal liking and disliking. Analysis of the available record shows that sufficient documentary material was not available against the representationist which could compel the Reporting Officers to record such adverse remarks. The Reporting Officers without any proof has recorded the integrity of the representationist as "believed to be corrupt".

9. **AND WHEREAS**, after examining/considering the record, representation of the representationist, replies filed by Reporting Officers and report of Hearing Officer, it is observed that adverse remarks indicate the defects or deficiencies in the quality of work or performance or conduct of an employee. Adverse remarks could be deciphered from the words used by the Reporting Officer in remarks and the impact of those words might have on the reputation and general image of the officer. It has further been observed that recording of adverse remarks in PER of an officer requires strong justifiable reasons which are missing in this case. The adverse remarks recorded in the PERs of the representationist are unreasonable, irrelevant, with extraneous considerations and at the face of it do not substantiate with the record. It is not disputed by the Reporting Officers that the representationist was punctual and she also performed her duties as assigned to her. Analysis of the available record shows that sufficient documentary material was not available against the representationist which could compel the Reporting Officers to record such adverse remarks. The Reporting Officer without any proof has recorded the integrity of the representationist as "reported to be corrupt" and "believed to be corrupt". It is also observed that representationist had filed a complaint against Mr. M. Aslam Sahu before Ombudsperson, Punjab and a penalty was imposed upon him as a result of those proceedings, therefore, Mr. Aslam

Sahu / Reporting Officer has recorded adverse remarks in a revengeful manner. It is also observed that since sufficient reasons, including documentary material, was not available against the representationist which could compel Ms. Nazia Mushtaq / Reporting Officer to record adverse remarks against the representationist, therefore, perusal of record shows that the representationist has been made victim of personal liking and disliking. It is also not discernible from record that any counseling session was held for the representationist, in order to caution her for the alleged conduct.

10. **NOW, THEREFORE, I, Saima Saeed**, Secretary Special Education / Competent Authority in this case, *for reasons stated herein above*, am of the view that the afore-referred adverse remarks are un-justified, contrary to the record and not sustainable, as the available record does not provide basis or direct evidence for recording of such adverse remarks by the Reporting Officers. Therefore, the representation of the representationist for expunction of adverse remarks recorded in her PERs is hereby **allowed / accepted**. Consequently, impugned adverse remarks recorded in the PERs of the representationist for the period w.e.f. **01.01.2018 to 24.04.2018, 29.04.2019 to 31.12.2019 & 01.01.2020 to 30.10.2020** stand expunged and scored out as to render these illegible.



(SAIMA SAEED)
SECRETARY

GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
COMPETENT AUTHORITY

Dated Lahore the
June 19th / 2023

No. & Date even:

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

1. The Director General, Special Education, Punjab, Lahore.
2. The District Education Officer (Special Education), D.G. Khan/Rawalpindi.
3. Ms. Mamoona Rajab, JSET (MC Field/BS-16), Govt. Special Education Centre, Hazro District Attock.
4. Ms. Nazia Mushtaq, SSET (HI Field/BS-17) / Incharge Headmistress, Government Special Education Centre, Layyah.
5. Mr. Muhammad Aslam Sahu, SSET (VI Field/BS-17) / ex-Incharge Headmaster, Government Special Education Centre, Layyah.
6. PS to Secretary, Special Education Department.



SECTION OFFICER (ESTT.)