



GOVERNMENT OF THE PUNJAB
HIGHER EDUCATION DEPARTMENT

Dated Lahore, the

April, 2023

ORDER

NO.SO(DM)W.P.943/2023: This order will *dispose-off* the representation of Mr. Muhammad Baqir Jaffery, Professor (Bs-20/Rtd), Ex- Principal Govt. Graduate College Civil Lines, Multan in pursuance of the judgment of Honourable Lahore High Court, Multan Bench, Multan passed in writ petition No.943/2023 on 23.01.2023. The operative paragraph is reproduced as under:

"Let a copy of this petition along with its annexures be remitted to respondent No.02 (Secretary, Higher Education Department) who shall treat it as a part of pending application, if pending and shall decide the same strictly in accordance with law, through a reasoned order, after hearing all the necessary parties."

2. The petitioner is present. He retired from government service on 04.01.2021 on attaining the age of superannuation. Although his pension case was submitted on 23.12.2020 before his retirement for sanction yet the pension case is still pending in Higher Education Department. Now since the petitioner has retired from government service therefore, he has ceased to be a civil servant. However, the Department in pursuance of the inquiry vide dated 17.02.2021 did not sanction his pension. The petitioner prayed for release of his full pension.

3. In compliance with the orders of the Honourable Court dated 23.1.2023 the petitioner and other relevant were afforded an opportunity of personal hearing. The petitioner showed up in this office and repeated what was stated in his application.

4. **WHEREAS**, the brief facts of the case are that petitioner / Muhammad Baqir Jaffery, Professor of Physics (BS-20) remained posted as Principal, Govt. Graduate College Civil Lines, Multan during the period from 18.10.2008 to 22.07.2019. The incumbent Principal reported serious financial irregularities committed by the petitioner during his principalship/ tenure and non-availability of official record.

5. **AND WHEREAS**, in order to determine the facts a committee was constituted to conduct the internal audit of Govt. Graduate College, Civil Lines, Multan for the entire period of the Petitioner w.e.f. 18.10.2008 to 22.07.2019 vide notification dated;

11.08.2020. The committee conducted internal audit of the said college and submitted report on 19.08.2020 which maintained that there an embezzlement of **Rs.104,200/-** (issuance of unauthorized cheque after his retirement), **Rs.85,857,310/-** (ghost transaction), **Rs.82,363,468/-** (non-production of Govt. & College funds), **Rs.949,050/-** (irregular payment / purchases in violation of prescribed rules), **Rs.630,331/-** (irregular auction of College canteen & cycle stand), **Rs.409,331/-** (non-production of record pertaining to Canteen Counselling Center), **Rs.01 Million** (non-availability of record pertaining to college canteen for four year) and non-availability of loan book, sale register, stock registers as well as unauthorized custody of service book.

6. **AND WHEREAS**, upon receipt of aforementioned report, the Chief Minister/ Competent Authority ordered a regular inquiry under PEEDA Act, 2006 against the Petitioner on account of charges of misconduct, inefficiency, corruption and corrupt practices vide dated 17.02.2021 whereby Mr. Wajhiullah Kundi, Secretary ET&NIC Department was appointed as Inquiry Officer. However, the said Inquiry Officer was transferred before completion of the inquiry. Thereafter, Mr. Ghulam Farid, Secretary School Education Department was appointed as new Inquiry Office vide order dated 16.07.2021.

7. **AND WHEREAS**, the Inquiry Officer submitted his inquiry report which was placed before the Chief Minister/ Competent Authority. The recommendations of the Inquiry Officer were examined by the Competent Authority which ordered de-novo inquiry under Rule 1.8(a) of Punjab Civil Servants Pension Rules vide order dated 12.04.2023 whereby Mr. Ehsan Bhutta, Secretary Industry Commerce & Investment Department is appointed as Investigating Office.

8. **AND WHEREAS**, the Rule 1.8(a) stipulates that good conduct is an implied condition of every kind of pension. Government may withhold or withdraw a pension or any part of it if the pensioner be convicted of serious crime or be found to have been guilty of grave misconduct either during or after the completion of his service, provided that before any order to this effect is issued, (the pension sanctioning authority shall give full opportunity to the pensioner to vindicate his position).

9. **AND WHEREAS**, Rule 1.8(b) stipulates that Government reserves the right of recovery from the pension of Government pensioner on account of losses found in judicial or departmental proceedings to have been caused to Government by the negligence, or fraud of such Government pensioner during his service.

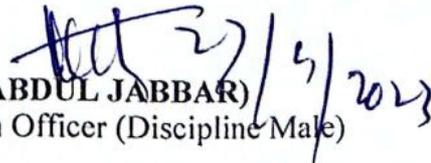
10. **AND WHEREAS**, foregoing facts reveal that serious charges relating to embezzlement, corruption, misappropriation of millions of rupees are levelled against the Petitioner, the recovery of which can only be met from the full pension as well as gratuity of the petitioner. However, the Rule 1.8 (NOTE) provides that if the departmental proceedings are not completed within one year after retirement of the Government servant, he may be allowed to draw up to 80% or less of full pension so as to ensure that Government loss in full is recovered from the balance. In view of these circumstances, the petitioner is allowed to draw up to 20% (twenty per cent) so as to ensure that Government loss in full may be recovered from the balance if found guilty.

11. **NOW THEREFORE**, I, **Zaheer Abbas Malik**, Special Secretary Higher Education Department / designated Hearing Officer, after affording an opportunity of personal hearing to the petitioner and perusal of record, do hereby *dispose-off* of this representation in terms as set out in paragraph 10 ante of this order.


(ZAHEER ABBAS MALIK PAS)
SPECIAL SECRETARY
HIGHER EDUCATION DEPARTMENT

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

1. The Assistant Registrar, Registrar, with reference to order of the Honourable Lahore High Court, Multan Bench, Multan passed in Writ Petition No. 943/2023 dated 23.01.2023.
2. The Director Public Instructions (Colleges), Punjab, Lahore.
3. The Director of Education Colleges, Multan.
4. Senior Law Officer, Higher Education Department.
5. Section Officer (Pension), Higher Education Department.
6. PS to Secretary, Higher Education Department, Lahore.
7. PS to Special Secretary, Higher Education Department, Lahore.
8. PA to Additional Secretary (E&G), Higher Education Department.
9. PA to Deputy Secretary (EM), Higher Education Department.
- ✓ 10. The Manager, MIS, Higher Education Department to uploaded on the website of the Higher Education Department.
11. The petitioner.


(ABDUL JABBAR)
Section Officer (Discipline Male)