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**BEFORE THE HONOURABLE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

C. M No. _____ of 2024

IN

Service appeal No.1436 of 2024

Waqas AhmedAPPELLANT

VERSUS

Govt. of KPK through Secretary, Elementary
and Secondary Education, Peshawar etc.
.....RESPONDENTS

SERVICE APPEAL

CIVIL MISCELLANEOUS

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Dated 14.10.2024

Waqas Ahmed
APPELLANT

Through


SARDAR WAQAR-UL-MULK
SARDAR WAJIH-UL-MULK

Advocates High Court,
Mansehra.

**BEFORE THE HONOURABLE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16732

Dated 15-10-24

C. M No. _____ of 2024

IN

Service appeal No.1436 of 2024

Waqas AhmedAPPELLANT

VERSUS

Govt. of KPK through Secretary, Elementary
and Secondary Education, Peshawar etc.
.....RESPONDENTS

SERVICE APPEAL

**APPLICATION UNDER SECTION 5 OF
LIMITATION ACT, 1908 FOR CONDONATION
OF DELAY IN FILING THE ABOVE
TITLED SERVICE APPEAL.**

Respectfully Sheweth!

1. That, the above titled service appeal is pending before this Honourable Tribunal which is pending and fixed for 28.10.2024.
2. That, the appellant is aggrieved from the impugned order dated 14.05.2024 whereas after the passage of the

above said order, the appellant duly filed departmental appeal before the competent authority on 21.05.2024 which was decided on 02.08.2024.

3. That, during the pendency of the departmental appeal, the respondents assured the appellant that they will adjust the appellant at any other proper place/station and later on, on the date of the decision of the departmental appeal i.e. 02.08.2024, an order was handed over to the appellant whereby the appellant was adjusted from the station i.e. D.E.O (F) Mansehra to D.E.O (Male), Mansehra by way of order bearing No.834-37/F.No.343/A-23/MS/Transfer/Mansehra dated 02.08.2024. Copy of the said order is already available on the file.
4. That, the appellant later on approached the respondents for handing over the charge of the impugned post but the D.E.O (Male) Mansehra refused to hand over the charge to the appellant whereas in the meanwhile, the appellant made hectic efforts and submitted application to high-ups and in this respect, high-ups have also

issued directives to the respondents for adjustment of the appellant as per the order dated 02.08.2024 but still the respondents remained reluctant to accept the legal and justified demand of the appellant.

- 5. That, when in first round, the respondents have not acted upon the directions of their high-ups, the appellant again approached the Director Education, Khyber Pakhtunkhwa Peshawar alongwith post availability certificate at GGHSS Darband Mansehra who consequently ordered for adjustment of the appellant at GGHSS Darband by way of order dated 11.09.2024 which was duly obeyed by the appellant by issuing arrival report.

(Copies of the order dated 11.09.2024 alongwith arrival report are annexed as annexure "A").

- 6. That, the respondents later on without any legal and justifiable reasons, withdrawn the said order dated 11.09.2024 and restored the order of adjustment of the appellant at D.E.O (M), Mansehra which has not been implemented by the respondents

till now despite arrival report of the appellant.

(Copy of the order dated 16.09.2024 alongwith arrival report are annexed as annexure "B").

7. That, the appellant in the meanwhile also filed above titled service appeal before this Honourable Tribunal whereas there is some delay in filing the titled service appeal which is neither deliberate nor intentional but due to the conduct that the respondents made the appellant as rolling stone and remained busy in issuing an order and later on withdrawing the same.
8. That, as the appellant was adjusted by the respondents initially on 02.08.2024, therefore, the appellant was assured that the respondents would adjust the appellant but the respondents had not adjusted the appellant rather the appellant has been made rolling stone while issuing and withdrawing their own orders.
8. That, valuable rights of the appellant are involved in the titled service appeal and in case if the titled service

appeal has not been decided on merits and delay has not been condoned then the appellant would suffer an irreparable loss.

- 9. That, it is the consensus of the apex court of the country that the cases must be decided on merits rather on technicalities hence keeping in view the settled precedents of the apex court, the delay in filing the titled application for condonation of delay is liable to be condoned.

.....PRAYER.....

It is, therefore, most humbly requested that on acceptance of the instant application, the delay in filing the titled service appeal may please be condoned and the titled service may please be decided on merits.

Dated 14.10.2024

Waqas Ahmed
APPELLANT

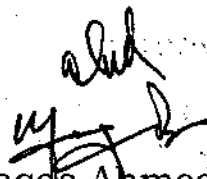
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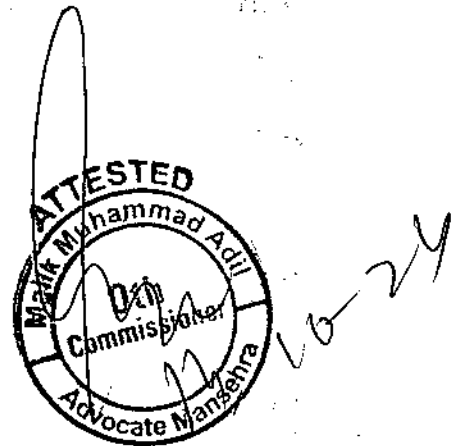
SARDAR WAQAR-UL-MULK
SARDAR WAJIH-UL-MULK
Advocates High Court,
Mansehra.

AFFIDAVIT.

I, Waqas Ahmed son of Aurangzeb resident of near Kohisar Flour Mills, Mohallah Upper Channai, Mansehra, Tehsil and District Mansehra presently Senior Clerk/Stenographer, District Education Officer (Female), Mansehra, appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing application are true and correct and nothing has been concealed from this Honourable Court.

Dated 14.10.2024


Waqas Ahmed
(DEPONENT)


ATTESTED
Malik Muhammad Adil
Commissioner
Advocate Mansehra
10-24



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Office Order.

Consequent upon approval of the competent authority (Director Elementary & Secondary Education Khyber Pakhtunkhwa) Mr. Waqas Ahmad Senior Clerk BPS-14, office of the District Education officer (F) Mansehra (under transfer to DEO (M) Mansehra) is hereby transferred/adjusted against the vacant post of Senior Clerk BPS-14 at GGSS Darband District Mansehra on his own pay and BPS in the interest of public service with effect from 01/07/2024.

Note:

1. Charge report should be submitted to all concerned.
2. No TA/DA is allowed.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 1634-38/F.No.343/A-23/MS/Transfer/Manssehra
Dated Peshawar the 11-09-2024.

- Copy forwarded to the: -
1. District Education Officer (Male/Female) Mansehra.
 2. District Accounts Officer Mansehra.
 3. Principal/HM concerned.
 4. Official concerned.
 5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
 6. Master File.


Assistant Director (Admn)
Directorate EB & Secondary Education
Khyber Pakhtunkhwa, Peshawar


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ARRIVAL REPORT

In compliance with the order of worthy Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide Endstt: No 1634-38/F.No.343/A-23/MS/Transfer/Mansehra, Dated Peshawar the 11-09-2024. I Mr. Waqas Ahmed is hereby submitting my arrival report for further duty today on 12-09-2024, fore noon, at GGHSS Darband Mansehra.

MS

Signature 
Name Waqas Ahmed
Designation:- Senior Clerk


PHYSICIAN
Govt Girls Higher Secondary
School Near Darband (Mansehra)

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GOVERNMENT OF KHYBER PAKHTUNKHWA

CERTIFICATE OF TRANSFER OF CHARGE

Certified that I Waqas Ahmad have this day on 12/09/2024 (A.N) taken over charge of this office i.e. office of the Principal GGHSS Darband Manshehra against the post of Senior Clerk (B-14) with reference to the order of Director Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar Encl: No 1834-38/F.No.543/A. 23/MS/Transfer/Manshehra. Dated Peshawar the 11-09-2024.

Particulars of cash and important/extra/confidential documents handed over /taken over are noted on the reverse.

Signature of relieved Government Servant Waqas

Designation Senior Clerk (B-14)

Station GGHSS Darband Manshehra

Dated 12/09/2024.

Signature of Govt. Servant Receiving Charge Waqas Ahmad
Designation Senior Clerk (B-14)

Encl: No 178-82/24 Dated: 12-09- /2024.

Copy for information to the:-

- 1 Director, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
- 2 District Education Officer (Female) Manshehra.
- 3 District Accounts Officer Manshehra.
- 4 Official Concerned.
- 5 Office record File.

Waqas Ahmad
Senior Clerk (B-14)
GGHSS DARBAND MANSEHRA



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DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR
Phone: 091 9553111 Email: dde@kpk.gov.pk

OFFICE ORDER

Consequent upon approval of the competent authority, the Office Order issued by the office under Endst. No. 1634/AB dated 11/09/2024 in respect of Mr. Waqas Ahmed, S/Chief BPS, is hereby recalled, while this Office Order bearing Endst. No. 834-37 dated 02/08/2024 is hereby restored, with immediate effect in the best interest of public service.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst. No. 2565-70 / 16/343/A 23/MS/Transfer/Mansehra.

Dated Peshawar the 16-09- /2024

Copy forwarded to the: -

1. D&O (M/F), Mansehra.
2. District Accounts Officer, Mansehra.
3. SDEO concerned.
4. Principal/HM Concerned.
5. Official concerned.
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
7. Master file.

R. Gami 16/09/2024
Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

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The District Education Officer,
(Male) Mansehra.

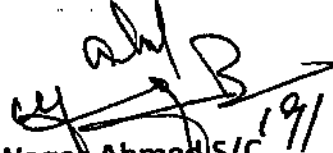
Subject: - **REQUEST FOR Compliance of the office order No 834-37 Dated 02-08-2024, and office order No 2565-70 dated 16-09-2024.**

Respected Sir,

With due respect it is stated that the worthy Director Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar, recalled the office order Endstt: No 1634-38, dated 11-09-2024, and restore the office order Endstt: No 834-37 dated 02-08-2024.

Now therefore it is requested that due to the order of the competent authority, the appellant attend your office for compliance of order of the competent authority, kindly acknowledge/accept my arrival report, the pay of the appellant was also stopped with effect from 01-07-2024, the appellant don't have any other source of income.

Please acknowledge/accept my arrival report, and activate my pay.


Waqas Ahmed S/C
DEO (M) Mansehra.

19/09/2024

Copy for information to the:-

1. Secretary, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
2. Director, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.

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ARRIVAL REPORT

in compliance with the office order Endstt: No 1634-38, dated 11-08-2023, and restore the office order Endstt: No 834-37 dated 02-08-2024.

Mr. Waqas Ahmed Senior Clerk DEO (Male) Mansehra submit my arrival report today on 19-09-2024, please.

Waqas Ahmed
19/9/24

Waqas Ahmed S/C
DEO (M) Mansehra.

signed by: