**Before The Hon'ble State Administrative Tribunal At Shimla**

OA No:\_\_\_\_\_ of 2004

Applicant

Versus

Respondents

Application Under Section 19 of the H.P. Administrative Tribunals Act, 1985

Shimla Applicant

\_\_\_\_\_ Through, Advocate

Respectfully Sheweth :

1. Particulars of the Applicant:

As given in the Memo of Parties.

2. Particulars of the Respondents:

As given in the Memo of Parties.

3. Impugned Order:

That the applicant is aggrieved by the impugned action of the respondents whereby they are not permitting the applicant to appear in the interview to be held on \_\_ for the post of \_\_ and the applicant is also aggrieved by the action of the respondent Employment Exchange whereby they have not sponsored the name of the applicant for the above post despite the fact that juniors to the applicant have been sponsored.

The said impugned action is arbitrary, illegal, malafide, violative of the Articles 14 and 16 of the Constitutional Rights and natural justice and issued in colourable exercise of power.

4. Jurisdiction:

That the applicant declares that the subject matter is within the jurisdiction of this Hon'ble Tribunal.

5. Limitation:

That the applicant further declares that the application is within the limitation.

6. Facts of the Case:

1. That the applicant submits that \_\_\_\_

GROUNDS

2. That feeling aggrieved by such an arbitrary, malafide, discriminatory and illegal actions of the respondents, the applicant seeks the indulgence of this Hon'ble Tribunal on the following grounds amongst others, which may be taken at the time of arguments, each one of which is without prejudice to and independent of others :-

(a) That the impugned action of the respondents whereby they are not permitting the applicant to appear in the said interview is arbitrary, malafide, illegal, ultra vires, against the Articles 14 and 16 of the Constitution of India, dehors the rules and regulations and against the natural justice.

(b) That the impugned action of the respondents whereby they are not permitting the applicant to appear in the said interview is against the well settled law by the Hon'ble Supreme Court in Excise Superintendent Malkapatnam Krishna District Vs KBN Visweshwara Rao and others, wherein the Hon'ble court has held that "restricting the selection only to the candidates sponsored by employment exchange is not proper and in addition to requisitioning the names from employment exchange, names should also be called for by publication in newspapers, having wide circulation and display on office notice boards or announcement on radio, Television and employment news bulletins. Such a procedure would subserve fair play envisaged by the Articles 14 and 16 of the Constitution of India.

(c) That the respondents are estopped due to their own act, deed and conduct. The principle of the Promissory Estopple applies against the respondents.

(d) That the impugned order is against the well settled principles of the law as laid down by the Hon'ble Supreme Court and this Hon'ble Tribunal in catena of cases.

7. Reliefs Sought:

That the applicant, therefore, prays that your Lordship be pleased to issue an appropriate writ, orders or directions to grant the following reliefs in favour of the applicant in the interest of justice:-

(a) Quash the impugned action of the respondents whereby they have not sent interview call letters to the applicant arbitrarily, malafidely and illegally;

(b) Direct the respondents to permit the applicant to appear in the said interview;

(c) Direct the respondents to produce all the relevant documents alongwith their reply for perusal by this Hon'ble Tribunal;

(d) Allow the cost of this OA;

(e) Pass such other order or directions as deemed fit and proper in favour of the applicant.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE APPLICANT AS IN DUTY BOUND, SHALL EVER PRAY.

8. Interim Orders, If Prayed:

It is most respectfully prayed that the said interview being held by the respondents on \_\_\_\_\_ may kindly be stayed during the pendency of this OA or in the alternative the respondents may kindly be directed to permit the applicant to appear in the said interview provisionally in the meantime.

9. Details of Remedies Exhausted:

That the applicant submits that since the matter being of an urgent nature, there is no other alternative speedy and efficacious remedy available to him except to approach this Hon'ble Tribunal.

10. Matter not Pending with any Other Courts Etc:

That the applicant further declares that the matter regarding which this application has been made, is not pending before any court of law or any other Authority or any other bench of this Hon'ble tribunal.

11. Particulars of Court Fees:

Court fees worth Rs 50/- is attached herewith.

12. Details of Index:

An index containing the details of the documents to be relied upon is enclosed herewith.

Shimla Applicant

\_\_\_\_\_ Through, Advocate

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL AT SHIMLA**

OA No:\_\_\_\_\_ of 2004

Applicant

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Respondents

Affidavit in support of OA under Section 19 of the Administrative Tribunals Act 1985

I,\_\_\_\_\_, do hereby solemnly, affirm and declare as under :-

1. That the accompanying O.A. has been prepared under my instructions.

2. That the contents of paras 1 to 12 of the accompanying application are correct and true to the best of my knowledge.

3. That I further solemnly affirm and declare that this affidavit of mine is correct and true to the best of my knowledge and no part of it is false and nothing material has been concealed therein.

Affirmed at Shimla this the \_\_\_\_\_\_.

Deponent

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL AT SHIMLA**

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**Index**

|  |  |  |  |
| --- | --- | --- | --- |
| Sl No | Annx | Particulars of Documents | Pages |
| 1 |  | Court Fees | [I] |
| 2 |  | Memo of Parties | 1 |
| 3 |  | OA | 2 |
| 4 |  | Affidavit |  |
| 5 | A-1 |  |  |
| 6 | A-2 |  |  |
| 7 | A-3 |  |  |
| 8 | A-4 |  |  |
| 9 |  | Power of Attorney |  |

Shimla Applicant

\_\_\_\_\_ Through, Advocate